

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, February 3, 2004
Tuesday, 9:04 A. M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp; present.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Schofield, City Clerk; present.

Francis Rathbun of the Bethany United Methodist Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of the January 27, 2004, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously submitted were presented.

WICHITA'S PROMISE **Wichita's Promise-Youth Service Awards.**

Mayor Mayans presented the awards.

PUBLIC AGENDA

Marydel Grayum **Marydel Grayum-Vice-President of Plastic Recycling of Kansas, Inc.**

Ms. Grayum stated that they have a vision that within ten years Wichita could be an economic center for recycling. Stated that they would like to create micro-businesses to process the things that cannot be economically transported. They are wanting to establish a drop-off center where people can bring things to recycle and what they cannot recycle themselves they will get to the people who can. Many of the senior citizens are the ones who are getting hurt by this because many of them cannot afford the fees for curb-side recycling.

Mayor Mayans Mayor Mayans inquired if Ms. Grayum was working with a recycling warehouse that is located on the south side of the City.

Ms. Grayum Ms. Grayum stated that the main reason they have not take a lot of their stuff there is because they do not provide transportation to their building. Stated they do encourage the public to use the county drop off centers. They want a program where citizens can feel free to come and bring their things and to support recycling. They would like to increase the options for the citizens. They are asking for a space in a building, but cannot get insurance until they know what we are insuring. They are applying for a KDHE grant and other grants and have companies that will market. They are not asking for a handout but for a hand.

Ronald Maholmes (Presentation made at end of Council Meeting and is in Agenda Order)
Ronald Mahomes-Concering Property Located at 21st Street and Jardine.

Mayor Mayans Mayor Mayans stated that Ronald MaHolmes who was scheduled to speak on the Public Agenda is now present and would like to have the opportunity to address the Council.

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Ronald Maholmes

Mr. Maholmes stated that he feels that the property located at 21st Street and Jardine, formerly known as Heartsprings, should not be torn down. Stated that there are good brick homes there that are handicap assessable and that he has been trying to purchase this property for several years to use for the same purpose.

UNFINISHED BUSINESS

GROVE PARK

GROVE PARK PLAYGROUND. (DISTRICT I) (CONTINUED FROM 12-30-03)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 03-1161A

Background: In the spring of 2003, improvements at Grove Park were completed as directed and prioritized by the District One Coalition. Funding for Grove Park improvements was set at \$750,000 which included \$550,000 in CDBG funding and \$200,000 in CIP funding. Improvements included the construction of a football field, walkways, bleachers, benches, two parking areas, and an entrance road from Hillside Avenue. Remaining CIP funding after these improvements were completed last year totaled \$43,116.

On November 4, 2003, City Council approved the selection of Cunningham and Associates with SiteMasters, Inc. to provide design and construction services for an adventure playground in Grove Park. Subsequently, the firm of Gametime, Inc. represents Cunningham Associates and SiteMasters, Inc. and will be contracted to do the work in Grove Park. Since that time, City staff, the design consultant, and members of the Grove Park Coalition have met on numerous occasions to develop a master plan which reflects the requirements which were set forth in the RFP for Grove Park playground. The master plan was presented to Design Council on December 10, 2003, and approved.

Upon approval from the Design Council, the plan was reviewed by City staff and members of the District One Coalition to prioritize portions of the project that are considered high in importance for development. Items chosen include the design and construction of an Indian Sand Lodge, Bison, Chuck Wagon, and Farm Silo. The playground is custom in nature and is designed for educational and recreational purposes that reflect the general archeological history of the site and identify with the history of the Chisholm Trail and progression of our agricultural heritage. The theme of the playground is basically one of a "Prairie Legacy".

On December 30, City Council deferred this item until the playground design could be presented to the District One Advisory Board. On January 5, 2004, the playground plan was presented to the District One Advisory Board.

The plan was reviewed and approved by members of the DAB to develop the playground, as recommended by the District One Coalition. On January 12, 2004, the Park Board unanimously voted in support of this project and also requested utilization of the remaining CIP fund for the project.

On March 5, 2003, City Council approved a Community Development Block Grant (CDBG) in the amount of \$119,500 to develop a playground. The Park and Recreation Department was then instructed to work with the District One Coalition to create a unique playground for Grove Park. The District One Coalition and Design Consultant created a design that incorporated the ideas and requirements expressed by neighborhood residents. However, to complete the playground that is recommended, additional funding will be required. Remaining CIP funds from the 2000 Grove Park project total \$43,116. The remaining funds are from contingencies, as well as original bids. The total cost for design and construction of the Grove Park playground is \$153,141. DAB 1, the Park Board and staff recommend that the previously approved CDBG funds and the remaining 2000 CIP funds be used to complete all playground features as designed.

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A total of \$153,141 will be required for Gametime, Inc. to complete the four items designed for this very unique playground system. CDBG funds in the amount of \$119,500 are available for this project. If the playground is built to meet the goals of the District One Coalition, 2000 CIP funding in the amount of \$33,641 is required. The remaining balance of 2000 CIP funds (\$9,475) from the Grove Park project can be used for sidewalk development and site restoration in the playground area.

The Law Department will review and approve the purchase contract as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the CDBG funds in the amount of \$119,500 and the remaining 2000 CIP funds of \$43,116 to complete the playground as designed to include the Indian Sand Lodge, Bison, Chuck Wagon and Farm Silo with rubberized safety surfacing, sidewalks, and site restoration be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

PLANEVIEW PROP. PLANEVIEW PROPERTY. (DISTRICT III) (CONTINUED FROM 12-02-2003)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 03-1263A.

On April 1, 2003, the City Council approved the sale of three acres of City-owned land located north of 31st Street North between the Kansas Turnpike and the Fire Department's training center. Prior to approval by the Council, the sale of this parcel had been reviewed by the City's Development Coordinating Committee and the Park Board. Additionally, the Planning Department received an application to rezone the property. The application was then reviewed by District Advisory Board III before approval by the Metropolitan Area Planning Commission and finally, by the City Council.

Subsequent to the sale, it was discovered that this parcel had been included with other land as collateral for Land and Water Conservation grants in the 1970's. A condition of this grant was that if any of the collateralized land is sold, replacement of land of equal value must be acquired.

On the original Agenda Report No. 03-1263, the replacement parcel was identified in the Planeview area about ¾-mile north of the sale parcel. This replacement tract is owned by the City and located between Roosevelt and George Washington Boulevard behind residential development on Roseberry, Whitney and Fees. The tract consists of platted lots and unplatted reserve and contains 22.76 acres. It was appraised at \$48,000; the sold property was appraised at \$32,670 (also the sale price).

A second replacement parcel was identified in the Planeview area by the neighborhood about ¾-mile north of the sale parcel. The replacement tract is owned by the City and located between Pawnee, Hillside and North and South of Cessna Street, behind residential development. The tract consists of platted lots and an unplatted reserve and contains 12 to 16 acres. The property, if approved, will be appraised and offered as replacement to the Kansas Department of Parks and Wildlife.

The purchaser of the sale property recently notified the City that he no longer has an interest in relocating his corporate office and manufacturing facility to this site. He has requested that the City buy back the three-acre parcel for the amount paid, plus his expenses. The controversy resulting from the sale of the property was a contributing factor to the owner's decision to seek repurchase by the City. The sale price, with closing costs, totaled \$32,969.50. The associated expenses connected with engineering, zoning, platting, etc. for his development total \$25,642.

The contract for sale states that the purchaser is to redevelop the property for commercial and/or retail use and the development must be initiated within 24 months of closing. The City has the right to repurchase the property for the amount paid at closing if these conditions are not fulfilled.

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The City Council deferred action on December 2, 2003, instructing staff to visit with DAB III and the Park Board. On January 7, 2004, DAB III was presented with the same two options the City Council had seen on December 2, 2003. After discussion and input from the public, the DAB III voted unanimously to reaffirm the sale of land and offer replacement land. The replacement parcel is a 16-acre tract of land located between Pawnee, Hillside and North and South of Cessna Street, behind residential development. The tract consists of platted lots and an unplatted reserve.

On January 12, 2004, the Park Board again considered the Planeview land sale. The Board voted to retract its original motion of November 10, 2003 and to support (by unanimous vote) the same replacement parcel identified by DAB III.

The City Council has two options:

Option #1: Reaffirm the sale of the property (from the April 1, 2003 Council Meeting) and designate the replacement parcel identified by DAB III and supported by the Park Board for park purposes (16-acre tract of land located between Pawnee, Hillside and North and South of Cessna Street).

Option #2: Repurchase the property for the sale price with closing costs of \$32,969.50 and negotiate some or all of the related development expenses incurred by the owner. Expenses to date are \$25,642. With this option, the City would cancel its efforts to exchange the (newly) identified parkland property for this parcel.

If Option #1 is selected, the replacement property is already titled in the name of the City. Therefore, designating its use for park purposes will require no additional funds for land acquisition. However, the City will need to appraise the property as part of its documentation to Kansas Department of Parks and Wildlife. Park staff still recommends that the City use a portion of the sale proceeds (not to exceed \$17,000) for the construction of a new trail adjacent to the property being sold.

If Option #2 is selected, the cost to the City will be \$32,969.50 at a minimum and could increase by as much as \$25,642 if the full cost for redevelopment is paid to the current owner. Proceeds from the sale would be utilized for the repurchase amount and any additional funding would have to be obtained from other sources.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Margie Zacoravaughn

Ms. Zacoravaughn stated that she is in support of the recommendation of the community and the park board and that this area would be a good location for a park but would be opposed to paying one penny to Mr. Norris. Thinks that this money should be spent to enhance the Planeview community.

Council Member Fearey

Council Member Fearey stated that it is her understanding that the burn tower will be relocated at a future time to the Heartland Preparedness Center. Requested that the minutes reflect that when the new burn tower is built that the Council should consider putting that acreage of land where the current burn tower is back to the Planeview Park. This would keep that connection to the park with 31st Street and then the bike path could remain where it is or could be relocated again so that the public can have easy access to the park. Stated that if Mr. Norris decides to come down on the price of this land and not include those additional costs that he has added, she would like to take it back out to the community and see if at that time what they would want to do with this piece of property.

Motion--

Lambke moved to accept option #1 and that a portion of the sale proceeds (not to exceed \$17,000) for the construction of a new trail adjacent to the property being sold, be authorized. Motion carried 7 to 0.

-- carried

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NEW BUSINESS

ZTM, INC.

PUBLIC HEARING AND TAX EXEMPTION REQUEST-ZTM, INC. (DISTRICT III)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0061

On December 19, 2000, City Council approved a five-plus-five year 98% ad valorem tax exemption to ZTM, Inc. (ZTM) for an expansion that included acquisition of an existing facility and purchase of new manufacturing equipment. On November 20, 2001, City Council also approved a 74.5% five-year tax exemption on acquisition of new manufacturing equipment.

Since establishment, ZTM has sustained consistent growth in manufacturing parts for the aerospace industry. ZTM has expanded its manufacturing capacity, to include acquisition of new manufacturing equipment in the amount of \$267,741. ZTM is requesting approval of an Economic Development Tax Exemption on acquisition of new manufacturing equipment in conjunction with their expansion efforts.

ZTM located at 4011 E. 31st S. in southeast Wichita, was locally formed in 1996. ZTM is a manufacturer of large, complex precision machine parts and assemblies for the aerospace industry. ZTM mills close-tolerance component aircraft parts in support of Wichita's major aircraft manufacturers. ZTM has assembled an impressive and efficient array of equipment, including 3-axis and 4-axis machines. The current equipment acquisition includes a Cincinnati machining center and puck machine, which will allow ZTM to meet the industry's most rigorous product specifications. ZTM also performs tooling and prototype work for the aircraft industry. ZTM utilizes sophisticated computer-controlled manufacturing equipment for their precise milling work.

Staff conducted a site-monitoring visit on May 22, 2003; ZTM is in compliance with all the terms and conditions under which the City granted the 2001 exemption. ZTM currently employs 38 employees and projects to add an additional 2 new jobs over the next five years.

ZTM's major customers include Boeing Wichita and Boeing Seattle. ZTM exports 100% of all production of out Kansas.

Under the City's Business Incentives Policy, ZTM, Inc. is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
6.0%	New Job Creation:	ZTM will create at least 2 new jobs.
5.0%	Capital Improvements:	ZTM will invest at least \$267,741.
11.0%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
50.0%	Export Premium: ZTM exports 100% of its product outside Kansas.	
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
61.0%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

ZTM is eligible for 61% tax exemption for a five-year term on new personal property. A notice of public hearing has been published. ZTM has agreed to comply with the conditions set forth in the Business Incentive Policy.

The estimated first year taxes on the proposed \$267,741 expansion would be \$6,517 on personal property, based on the 2003 mill levy. Using the allowable tax exemption of 61 percent, the City would be exempting (for the first year) \$3,975 of new taxes from the personal property tax rolls. The tax

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exemption will be shared among the taxing entities as follows: City - \$1,116; County/State - \$1,061; and USD 259 - \$1,798.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	3.65 to one
Sedgwick County	3.19 to one
USD 259	2.91 to one
State of Kansas	2.54 to one

ZTM, Inc. - Exhibit I

Equipment Purchases:

Cincinnati FTV Machining Center	\$190,000
Conveyor System - Puck Machine	12,741
RST 500 Briquetter - Puck Machine	65,000
Total Equipment	<u>\$267,741</u>
Total Expansion Project	\$267,741

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Lambke moved that first reading of the Ordinance granting a 61% tax exemption on the identified personal property improvements for a five-year term be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of ZTM, Inc., so exempted, introduced and under the rules laid over.

WATERWALK

SECOND READING OF WATERWALK REDEVELOPMENT PROJECT PLAN AND APPROVAL OF EDA GRANT APPLICATION. (DISTRICT I)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0062

On December 16, 2003, the City Council adopted a resolution stating it is considering the adoption of the WaterWalk Redevelopment Project Plan and directed the City Clerk to give notice that a public hearing would be held on the matter on January 27, 2004. The City Council held the required public hearing on January 27, 2004 and approved first reading of the ordinance adopting the WaterWalk Redevelopment Project Plan by the required two-thirds majority vote.

In addition, staff has prepared a pre-application for federal grant funding from the Economic Development Administration ("EDA") in the U.S. Department of Commerce. EDA funding is included in the WaterWalk Redevelopment Project Plan as a source of funding for public improvements. The Pre-Application is presented for Council approval prior to submission.

In order to issue tax increment financing ("TIF") bonds to finance costs undertaken in connection with a redevelopment project located within a redevelopment district, the City must first adopt a redevelopment project plan that describes the project area and the projects being financed with TIF revenue. The WaterWalk project area for TIF purposes is from Kellogg Street to Waterman Street and from Main Street to McLean Boulevard. The plan for redevelopment of the WaterWalk project area includes a private mixed-use commercial and residential development that incorporates a public "waterway" feature, public plazas, streetscape improvements and free public parking.

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State law directs the City to prepare the redevelopment project plan in consultation with the Wichita-Sedgwick County Metropolitan Area Planning Commission. On January 22, 2004, the planning commission met to consider the WaterWalk Redevelopment Project Plan and adopted a resolution finding that the Project Plan is consistent with the general comprehensive plan for development of the City.

As part of the WaterWalk Redevelopment Project financing, the budget includes a \$1.5 million EDA grant. In order to apply for EDA grant funds, the City must first submit a formal Pre-Application to the federal Economic Development Administration. Staff has prepared a Pre-Application for the EDA funds totaling \$3 million. EDA funding will be used to pay a portion of the costs of constructing the waterway and/or street improvements within the project area. EDA grants are competitive and there is no assurance of funding. However, staff has consulted with the regional EDA office and believes that the Pre-Application will be very competitive.

It is anticipated that the projects funded with tax increment financing will be financed with full faith and credit tax increment bonds. The WaterWalk Development Agreement includes a developer guaranty that the developer will build improvements with a taxable value of at least \$33 million, or will make payments in-lieu of taxes that make up the difference. In the event that tax increment revenues and/or guaranty payments fall short of debt service requirements, supplementary City-at-large funding will be required.

Under state tax increment financing statutes, the adoption of a project plan requires the adoption of an ordinance by a two-thirds majority vote. Once adopted, the City Clerk must forward copies of the Ordinance to the County Clerk, County Treasurer and County Appraiser.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Martz

Council Member Martz stated that he has concerns with this because it is listed as a second reading but that there has been some major changes and asked how can you have a second reading when this is the first time it has been presented. Stated that he has concerns regarding some of the wording that is in the agenda report and had been led to believe that the EDA grant portion had been guaranteed and now according to the agenda report there is no guarantees. If for some reason the City does not get this money, it is his understanding that the City would be short which would add to the GO bonds to fund this project.

Allen Bell

Mr. Bell explained that there was discussion among Staff regarding whether or not to divide this and separate the motion so that there would be two separate votes, which can still be done. The approval of the EDA pre-application is not part of the ordinance. There has been no change to the ordinance and that the ordinance that is up for second reading is exactly the same ordinance that was approved on first reading. The second part of the motion is an approval by motion of the City Council authorizing them to submit the paperwork. The risk of not getting the EDA grant has always been there.

Motion--

Brewer moved that the Ordinance adopting the WaterWalk Redevelopment Project Plan be placed on second reading; the EDA grant Pre-Application be approved; and the necessary signatures be authorized. Motion carried 5 to 2. (Lambke and Martz-No)

-- carried

ORDINANCE NO. 45-983

An Ordinance adopting a Redevelopment Project Plan for the WaterWalk Redevelopment Project for the East Bank Redevelopment District, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Schlapp, Mayans. (Lambke and Martz-No)

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BEAUTY FIRST

APPROVAL OF ECONOMIC DEVELOPMENT INCENTIVES-BEAUTY FIRST PROJECT. (DISTRICT II)

Allen Bell

Director of Economic Development reviewed the item.

Agenda Report No. 04-0063

BeautyFirst is a national chain of hair salons with its corporate headquarters located in Wichita. The company has outgrown its current corporate offices and warehouse distribution facility, located at 4727 S. Emporia in south Wichita, and is seeking to relocate. BeautyFirst has been offered an attractive package to relocate its headquarters to Dallas, Texas. The City of Wichita has been contacted by a local real estate developer, RiverSharpe Properties LLC ("RiverSharpe"), asking for economic development incentives to ensure that the BeautyFirst headquarters remains in Wichita.

In response to the proposal from RiverSharpe, the City has offered to purchase industrial land in the Regency Park Industrial Park near K-96 and Greenwich Road in northeast Wichita, to issue industrial revenue bonds (IRBs) in an amount not to exceed \$3,000,000 to finance the construction of the new BeautyFirst corporate headquarters and warehouse distribution facility, and to approve a five-year tax exemption on bond-financed property, plus a second five-years following City Council review at the end of the first five years. The City's offer was made contingent on a formal approval of the incentives by the City Council.

BeautyFirst is an 80-store franchise system, spread across 25 states, that combines the best practices of the hair salon service industry with sophisticated retail merchandising. BeautyFirst operators serve a large, active market of working women between the ages of 25 and 54. BeautyFirst provides consumers with a convenient source of beauty advice, professional products and a host of personalized services. BeautyFirst currently has its distribution center and corporate headquarters, as well as two salons, located in Wichita.

BeautyFirst also carries out an on-going program of in-service training seminars and conferences for salon franchisees and employees, which they call BeautyFirst University, in which dozens of BeautyFirst operators are brought to Wichita two or three times a year to learn about new products and techniques. Combined with quarterly business reviews, monthly meetings and a fall conference of franchisees, BeautyFirst is a significant generator of visitors to Wichita.

The IRB-funded project will be leased to RiverSharpe Properties LLC and subleased to BeautyFirst, Inc. for a minimum term of 10 years. RiverSharpe will construct a 12,000 sq. ft. corporate office building and a 41,000 sq. ft. warehouse distribution facility, which will serve the expanding store base, as well as create a centralized hub for the franchise system. The facility will also house a training facility to service the employee base across the country. The increased capacity of the distribution center will help expand the ability for more internal vendors and more comprehensive merchandise assortments. BeautyFirst currently employees approximately 120 people in Wichita and anticipates a 10% per year growth in employment.

In addition to IRB financing and property tax abatement, RiverSharpe has asked the City to purchase the five-acre site for the project, located in the Regency Park industrial park near K-96 and Greenwich Road. The developer has negotiated a real estate purchase contract with the landowner of \$1.00 per square foot (\$218,009), which he proposes to assign to the City. The City will lease the project site to RiverSharpe for \$1.00 per year for as long as IRBs are outstanding, or as long as needed to secure the IRB financing, and the developer will have the option to purchase the property for \$1.00 when the IRBs are fully paid, but not sooner than five years.

Sedgwick County and the State of Kansas have also offered incentives in connection with the BeautyFirst project. The State has offered a forgivable loan of \$52,500 plus training funds and tax credits. The County has offered to match the State's \$52,500 forgivable loan, plus to pay special assessments due on the project site of up to \$86,000, for a total of \$138,500.

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The City's bond counsel firm Hinkle Elkouri L.L.C. will serve as bond counsel in the IRB transaction. RiverSharpe plans to privately place a portion of the bonds with a local financial institution with which it has an established banking relationship and to purchase a portion of the bonds itself, representing an equity investment. The developer agrees to comply with the City's requirements contained in the Standard Letter of Intent Conditions. The cost/benefit analysis will be presented to City Council prior to the issuance of the bonds.

Funds for the purchase of the five-acre project site, in the amount of approximately \$218,000, will be paid from the appropriated general fund reserve. RiverSharpe agrees to pay all costs of issuing the bonds and the City's \$2,500 annual IRB administrative fee for the term of the bonds. As a corporate headquarters, the BeautyFirst project qualifies for a 100% five-plus-five-year tax exemption on improvements financed with bond proceeds, under the City's Business Incentive Policy.

The estimated first year's exempted taxes on BeautyFirst's proposed \$3,000,000 expansion is \$82,381, on real property improvements, based on the 2003 mill levy. The tax exemption would be shared among the taxing entities as follows: City - \$23,131; County/State - \$21,980; and USD 385 - \$37,270.

The City Attorney's Office has reviewed the real estate purchase contract, and amendments thereto, and the Assignment and Assumption Agreement relating to the real estate purchase. Bond documents needed for the issuance of bonds will be prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds. A public hearing is required by state law for approval of tax abatements.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Schlapp moved that the Letter of Intent to RiverSharpe Properties, LLC for Industrial Revenue Bonds in an amount not-to-exceed \$3,000,000, subject to the Standard Letter of Intent Conditions, for a term of one-year be approved, a 100% tax abatement on all bond-financed property for an initial five-year period plus an additional five years following City Council review be approved and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

HYATT HOTEL

CONTRACT WITH MARCIA DAVIS AND ASSOCIATES, INC.

Kelly Carpenter

Acting Finance Director reviewed the item.

Agenda Report No. 04-0064

In 1995, the City of Wichita contracted with Stormont Trice Corporation of Atlanta, GA to develop the Hyatt Hotel and Conference Center. At that time, Stormont Trice contracted with Marcia Davis and Associates, Inc. to provide the interior design of the hotel. The City also contracted with Marcia Davis and Associates, Inc. to provide the interior design of the Promenade Level of Expo Hall where the coordination of the renovations was essential. Since that time, the City has acquired Stormont's ownership interest in the Hyatt property and has contracted directly with the Hyatt Hotel Corporation to operate the Hyatt in Wichita.

The Hyatt is currently initiating a capital program to remodel different portions of the hotel over the next two-to-three years and has contracted with Marcia Davis to design and oversee the work. In coordination with that remodel, the Century II Promenade is also in need of remodeling. The remodel will encompass the promenade meeting rooms 209 AB and 210 ABC, meeting rooms 101, 102, 201-207, prefunction lobby, prefunction corridor, and prefunction promenade and meetings rooms and two offices within Century II. The remodel will include all carpet, wall coverings, painting, required upholstery, mirrors, and artwork. In order to ensure coordination and consistency with the Hyatt remodel, a contract has been negotiated with Marcia Davis and Associates, Inc. to provide the design and soft goods required to complete the above project.

The Hyatt Regency Wichita fills an important niche in the community and its seamless physical connection to Century II through the Promenade is crucial. Since acquiring the Hyatt ownership at the end of 2001, the Hyatt has continued to operate on a profitable basis, returning positive cash flow

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covering all operating costs with operating revenue. Even more importantly, the Hyatt has had a significantly positive economic and cultural impact on the community. Without a Hyatt-quality hotel in close proximity, the Century II Convention Center would not be as competitive in attracting conventions and major events to Wichita. The local business community also uses the Hyatt as a principal venue for business meetings, bringing in customers, vendors and employees from around the country because of the high quality offered by the Hyatt. The Hyatt's presence in Wichita gives Wichita a competitive advantage in recruiting new businesses and new workers, by showing visitors a high quality of life. The Hyatt and Century II together serve as the keystone to downtown revitalization.

The schedule and fees are based on the City of Wichita and the Hyatt Regency Wichita proceeding at the same time. The quoted price for the capital improvements at Century II is \$1,538,921. Funding is available in an existing capital project, which has been funded over the years for this purpose with periodic transfers from the Tourism and Convention (transient guest taxes) and the General Fund.

The City Council must approve expenditures in excess of \$10,000.

Motion--
--carried

Mayans moved that the Contract with Marcia Davis and Associates, Inc., in an amount not to exceed \$1,538,921, be approved. Motion carried 7 to 0.

21ST ST. BRIDGE

21ST STREET BRIDGE AT ST. FRANCIS. (DISTRICT VI)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0065

The 2002-2011 Capital Improvement Program (CIP) includes funds to replace the 21st Street Bridge at St. Francis. On September 8, 2003, District VI Advisory Board sponsored a neighborhood hearing on the project. The item was deferred because of business concerns about the closure of 21st to traffic during construction. The Board asked Staff to investigate options to allow 21st to remain open to traffic. On October 6, 2003, District VI Advisory Board recommended approval of a plan to build the project in two phases, thereby maintaining through traffic. Engineering Staff and Vice-Mayor Fearey met with affected property owners on November 19, 2003.

The existing bridge is in bad condition with cracked abutments, rusting girders and exposed reinforcing metal bars. The new structure will be a concrete box culvert.

The two options for construction are:

Option 1 – Close 21st St. to through traffic for a period of six months. Of the six months, one month would be for relocation of existing utilities and removal of the existing bridge structure, and five months for construction of a new box culvert and pavement replacement.

The estimated project cost is \$550,000 with \$255,000 paid by the City and \$295,000 by Federal Grants.

Option 2 – Construct the new culvert in two phases. Phase 1 would be to remove the north 3/4 of the bridge for utility relocation and construction of the north 2/3 of the new box culvert, allowing one lane east bound traffic on 21st Street to remain open. Phase 2 would be to construct the south 1/3 of the box culvert and replacement of pavement. Two-way traffic (one lane each direction) would then be opened on the north half of the new box culvert during the Phase 2 construction. The Phase 1 construction would be completed in five months. The Phase 2 construction would take four months.

The estimated project cost is \$780,000 with \$360,000 paid by the City and \$420,000 by Federal Grants.

The 2004 CIP Workbook budget is \$675,000 with \$300,000 paid by the City and \$375,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that Option 2 be approved, the Ordinance be placed on first reading, and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the 21st Street Bridge at St. Francis (472-83933) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ELEC. FRANCHISES

ADOPTION OF ELECTRIC FRANCHISE FOR KANSAS GAS AND ELECTRIC COMPANY- WESTAR AND SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION, INC.

Joe Pajor

Natural Resource Director and Franchise Manager reviewed the item.

Agenda Report No. 04-0066

The City has granted two franchises to utilities providing electric service within the City of Wichita. On March 30, 1982, the City Commission approved an Ordinance for Kansas Gas and Electric Company (KGE). On March 7, 2000, the City Council approved an Ordinance for Sedgwick County Electric Cooperative Association, Inc. The current franchises have been extended to allow time for negotiations of new franchises. The City has had a franchise for electric service with KGE for many years. The current agreement was adopted by the City Council on March 30, 1982. The current agreement is under an extension that will expire on March 1, 2004.

New franchise agreements have been negotiated with KGE. (KGE is a wholly owned subsidiary of Westar Energy, Inc.) and the Sedgwick County Electric Cooperative Association, Inc. The franchises are substantively the same and sets out the provisions of the franchise grant and requirements that are placed on the each Company.

Key provisions of the franchise agreements are:

- The City will receive a franchise payment from the Company equal to 5% of its gross receipts from sales within the city limits.
- The term of the franchise is 10 years with reopening of the agreement within that time if certain changes occur.
- The Company must repair or replace any of the City's improvements that are impacted by the placement or maintenance of their facilities.
- The City has the right to review and approve facilities placed in the right-of-way.
- The Company must relocate their facilities when necessary for the construction of public improvements.
- Facilities will be placed underground in the downtown area and elsewhere where feasible. (Facilities within all new subdivisions will continue to be placed underground as required by subdivision regulations.)
- The City has the right to purchase the street lighting system under favorable financial terms.

The provisions of the final agreement with the Companies will be adopted by the franchise ordinance.

The City will receive 5% of the gross receipts of the Companies from the provisioning of electrical service to customers within the city limits, the same rate as under the previous agreement. In 2003, the City's receipts under the existing franchises were \$13,354,214.90. Actual year-to-year receipts vary with economic activity, weather, and electric rates. Based on historical trends, and now that rate reductions have been fully implemented, revenues to the City are expected to increase about 3% per year.

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The franchise ordinances are consistent with the requirements of the laws of the State of Kansas. The franchise ordinances have been reviewed and approved as to form by the City Attorney. The Ordinances require two readings and one publication.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the Franchise Ordinances for KGE, a wholly owned subsidiary of Westar Energy, Inc., and Sedgwick County Electric Cooperative Association, Inc., be placed on first reading. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, granting to 9 Kansas Gas and Electric Company D/B/A Westar Energy, its successors and assigns, an electric light, heat, and power franchise and prescribing the terms of said grant and relating thereto, introduced and under the rules laid over.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, granting to Sedgwick County Electric Cooperative Association, Inc. its successors and assigns, an electric light, heat and power franchise and prescribing the terms of said grant and relating thereto, introduced and under the rules laid over.

HYDRAULIC IMP.

HYDRAULIC IMPROVEMENT, BETWEEN 57TH STREET SOUTH AND 47TH STREET SOUTH. (DISTRICT III)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0067

The 2002-2011 Capital Improvement Program adopted by the City Council includes a project to improve Hydraulic, between 57th Street South and 47th Street South. District III Advisory Board sponsored an October 1, 2003, neighborhood hearing on the project. The Board recommended approval.

The proposal is to widen Hydraulic to provide a four-lane roadway with curb and gutter. A storm water sewer system will be constructed. The available right of way will be landscaped. Construction is planned for 2004. Two-way traffic will be carried through construction with the exception of a weekend closure at the bridge south of 55th.

The estimated project cost is \$3,800,000 with \$1,100,000 paid by the City and \$2,700,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. A City/State agreement has been prepared that provides for joint project funding and administration.

The Law Department has approved the authorizing Ordinance and City/State agreement as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Lambke

Council Member Lambke stated that the road south of 57th Street has been annexed into the City since the original plans for Hydraulic were made. The County had at one time the mile between 63rd Street and 57th Street in their CIP Program, but now that the City has annexed the land, the County is having second thoughts about financing that. 63rd Street has been improved to four lanes, curb and gutter from Hydraulic east to K-15, which generates more traffic coming from the south end of the County. This whole project is going to result in the same type of improved community that you see on south Seneca.

Council Member Martz

Council Member Martz stated that he agrees with Council Member Lambke that the mile south is something that the Council should request that the County be involved with and encouraged the Council

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to stay in touch with the County to see if they would fulfill that part of it since part of this project had to do with the City going to the limits that they have and the County taken the next mile.

Motion--
--carried

Lambke moved that the project and the City/State Agreement be approved; the Ordinance be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Hydraulic, between 47th Street South and 57th Street South (472-83902) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

ELM & 9TH STREET

PETITION TO PAVE HOOVER, BETWEEN ELM AND 9TH STREET. (DISTRICT VI)

Jim Armour

Acting City Engineer reviewed the item.

Agenda Report No. 04-0068

The signatures on the Petition represent 35 of 48 (72.92%) resident owners and 68.74% of the improvement district area. District VI Advisory Board sponsored a January 5, 2004, neighborhood hearing on the project. The Board recommended approval.

Hoover, north of Elm is a sand road that provides access to an area comprised primarily of single-family homes. The proposed improvement consists of a two-lane asphalt road with curb and gutter. Due to the small lot sizes and the existing drainage conditions, a storm water sewer will be built with the paving.

The estimated cost of the project is \$354,000 with the \$301,775 assessed to the improvement district and \$52,225 paid by the City. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds. The proposed method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.37 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Fearey moved that the Petition be approved, the Resolution adopted, and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-037

Resolution of findings of advisability and Resolution authorizing improving Hoover from the south line of Elm to the north line of 9th Street North (north of Central, east of I-235 Expressway) 472-83908, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

“CLEANUP” AMEND. “CLEANUP” AMENDMENTS TO THE RESIDENTIAL BUILDING CODE (TITLE 18) AND MECHANICAL CODE (TITLE 22), ALL RELATING TO CERTAIN MECHANICAL CODE REQUIREMENTS.

Kurt Schroeder

Director of Central Inspection reviewed the item.

Agenda Report No. 04-0069

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In February 2002, the City Council amended Title 18 of the City Code to adopt the year 2000 editions of the International Building/Residential Model Building Codes as the City's Building Code. In September 2002, The City Council amended Title 22 of the City Code to adopt the 2000 edition of the International Mechanical Code (IMC) as the City's Mechanical Code. Both of these "model" codes were new to Wichita since the previous model building code that had been used by Wichita for many years, the Uniform Building Code, was no longer being published, and because the Mechanical Board recommended that Wichita move from the Uniform Mechanical Code, which had also been used in Wichita for many years, to the IMC.

Several months after adoption of the new IMC, it became apparent that there were some discrepancies between the International Residential Building Code (IRC), as amended, and the IMC, as amended. The discrepancies related primarily to the exhaust and ventilation requirements for new one and two-family construction. The discrepancies between the two codes were causing significant confusion with respect to contractor installation practices/procedures, inspection and enforcement.

Because of these discrepancies, area builders and the Wichita Area Builders Association (WABA) requested that the Office of Central Inspection impose a brief moratorium on enforcement of the new Mechanical Code provisions, allowing some time to further educate and inform local builders of the Mechanical Code changes. During the moratorium, the City would enforce the 2000 IRC requirements, as locally amended, in lieu of the contradictory Mechanical Code requirements.

In early 2003, the Office of Central Inspection enacted such "moratorium" on enforcement of the new Mechanical Code requirements until at least April 7, 2003. In late March 2003, the Mechanical Board, in conjunction with local builders and WABA, voted to put together an ADHOC Committee to perform a more in-depth review of both the IMC and the IRC, as locally amended, specifically as related to exhaust, ventilation, duct installation & sealing, and related requirements for one and two-family new construction. On April 24, 2003, the ADHOC Committee, consisting of representatives from the Mechanical Board, the mechanical trades and WABA, was assembled.

From April into October 2003, the ADHOC Committee met approximately ten times to review both the IRC and IMC provisions. During this time, the Mechanical Board also reviewed and kept abreast of ADHOC committee discussions at every monthly meeting between May 29 and October 30, 2003. WABA also kept its membership abreast of the ADHOC committee discussions and recommendation at monthly WABA Codes Committee meetings.

At its October 30, 2003, meeting, the Mechanical Board voted to adopt the proposed amendments to the IMC and to the mechanical code provisions to be included in the IRC.

Recently, the final draft of proposed amendments to the IRC and IMC were recirculated to the Mechanical Board and to WABA for any final review comments and input.

The proposed cleanup amendments are summarized below.

TITLE 18 (IRC)

SECTION 01: Section 18.06.135 (IRC Section R303.1 Habitable Rooms): Adds new specific provisions for new dwellings, or major additions to dwellings, with respect to outside air duct connections, the minimum sizes for such ducts based on the square footage of the habitable space being served by the HVAC system, and duct insulation requirements in attic spaces.

SECTION 02: Section 18.06.140 (IRC Section R303.3 Bathrooms): Modifies existing provisions relating to ventilation of exhaust air from bathrooms into attic spaces.

SECTION 03: Section 18.06.282 (IRC Section R806.1 Ventilation Required): Modifies/clarifies the requirements for eave, cornice and/or roof vents or ventilation openings from attic and enclosed rafter spaces.

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SECTION 04: Section 18.06.284 (IRC Section R806.2 Minimum Area): Modifies requirements for the minimum total amount of net free ventilation opening area of any spaces required to be ventilated, and adds specific requirements relating to the location of roof ventilators in relation to eave or cornice vents.

SECTION 05: Section 18.06.286 (IRC Section R806.3 Vent Clearance): Modifies/clarifies requirements for minimum vent insulation, clearances between insulation and roof sheathing at the location of a vent, and the net minimum area of a space served in relation to area of the eave or cornices in that space.

SECTION 06: Section 18.06.322 (IRC Section M1601.2.1.1 Duct Insulation R-Values): Sets forth specific provisions for minimum insulation R-values relative to the location of a duct.

SECTION 7: Section 18.05.324 (IRC Section M1601.3.1): Sets forth different ductwork joint and seam sealing provisions for areas inside or outside of conditioned spaces, and better delineated minimum requirements for either type of space.

SECTION 8: Section 18.06.326 (IRC Section M1701.5): Reduces the minimum "free area" for metal louver openings (used in determining the minimum amount of combustion air opening area).

SECTION 9: Section 18.06.320: This section repeals the previous local amendment that deleted "Part V – Mechanical" of the 2000 IRC. The "Part V- Mechanical" is added back into the local version of the IRC, but with all of the above-identified local amendments.

TITLE 22

SECTION 1: Section 22.04.036.11 (IMC Section 403.3 Ventilation Rate): Adds an exception that refers the code user to the ventilation requirements for one and two-family dwellings found in the newly amended Section R303.1 of the 2000 IRC.

SECTION 2: Section 22.04.036.14(a) (IMC Section 501.3 Outdoor discharge): Adds an exception that refers the code user to the bathroom exhaust requirements for one and two-family dwellings found in the newly amended Section R303.3 of the 2000 IRC.

SECTION 3: Section 22.04.036.16 (IMC Section 504.6.1 Maximum length): Sets forth new and revised requirements/minimum standards for clothes dryer exhaust duct installations.

There are no costs to the City associated with adoption of the ordinance. Also, there is no building permit fee changes included in the ordinance.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Gray moved that the Ordinance amending Titles 18 and 22 of the Code of the City of Wichita, be placed on first reading and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 22.04.036.11 and repealing original of said amended Section; and creating Sections 22.04.036.14 (a), AND 22.04.036.16; ALL IN THE code of the City of Wichita, Kansas, and pertaining to the Mechanical Codes of the City of Wichita, Kansas, introduced and under the rules laid over.

CITY CODE AMEND. CITY CODE CHAPTER 5.88 AMENDMENTS.

Jack Brown

Environmental Health Director reviewed the item.

Agenda Report 04-0070

Under current City codes relating to discharge of firearms, the presence of a Police Officer is required for use of tranquilizer guns or .22 caliber rifles by Animal Control Officers. This requirement causes an

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unnecessary demand on police staff resources, and causes delays in providing services to citizens. In order to better respond to these situations the Law Department, Police Department and Environmental Health have determined that an amendment to Chapter 5 regarding firearm usage within the City of Wichita would allow Animal Control to respond to dangerous animal situations more effectively.

The proposed amendments would allow Environmental Health staff to utilize pneumatic tranquilizer guns to capture vicious animals, and .22 caliber rifles to euthanize trapped skunks suspected of being rabid. These functions could take place without the presence of a police officer, enhancing Animal Control's ability to respond in a timely manner and reducing unnecessary demands on Police Department staff. Environmental Health staff utilizing tranquilizer guns and .22 caliber rifles would do so only under policies adopted by the Director of Environmental Health and approved by the City Manager. Firearms safety training would be provided in consultation with the Police Department.

Minimal costs, within the existing Animal Control budget, would be incurred for safety training.

The Department of Law has approved the revised code as to form, and drafted the implementing ordinance.

Council Member Lambke Council Member Lambke expressed concern with the choice of weapon. Stated that a shotgun would be safer than a .22 caliber rifle because of the ricochet element.

Jack Brown Mr. Brown explained that the .22 caliber rifle is only used at a very close range when dealing with a trapped rabid animal.

Council Member Brewer Council Member Brewer asked if the Police Department will be giving any type of instruction to the animal control officers and will they be receiving instruction out at the range.

Jack Brown Mr. Brown explained that yes they have met with the Police Department and they will be developing a training program where the operator of the weapon would be certified and receive the proper training. Stated that the .22 rifle is probably used very seldom and that they would also receive training on the tranquilizer guns.

Mayor Mayans Mayor Mayans inquired whether anyone in the audience wished to be heard and no one appeared.

Motion-- Mayans moved that the Ordinance modifying Chapter 5.88 of the City Code be placed on first reading.
--carried Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 5.88.020 of the Code of the City of Wichita, Kansas pertaining to unlawful discharge of a firearm, air rifles, pellet guns and bb guns, introduced and under the rules laid over.

COUNCIL PROCED. ORDINANCE AMENDMENT ON COUNCIL PROCEDURES-CALLING THE QUESTION.

Gary Rebenstorf City Attorney reviewed the item.

Agenda Report 04-0071

City Council discussed its debate and voting procedures at a recent meeting and workshop. The City Attorney was requested to return with an ordinance to clarify procedures to "call the question."

The proposed ordinance amendment addresses two sections of the Council's Rules of Procedure to clarify the parliamentary action to Call the Question. Under the proposed amendment, any Council Member may call the question to end debate at any time during discussion of a motion under consideration. The action to end debate would be effective, however, only upon a majority vote of the Council and after every Council member has had an opportunity to speak on the motion.

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The Council may approve its own parliamentary rules and procedures by ordinance. The proposed ordinance has been drafted and approved as to form by the Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone in the audience wished to be heard and no one appeared.

Motion--
--carried

Lambke moved that the Ordinance be placed on first reading and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita pertaining to City Council Rules of Procedure; amending Code Sections 2.04.190 and 2.04.410; and repealing the originals of said Sections, introduced and under the rules laid over.

CITY COUNCIL AGENDA

BOARD APPTS.

BOARD APPOINTMENTS.

Motion--
--carried

Mayans moved to appoint Claire Willemberg to the Historic Preservation Board, Joe Pajor to the Solid Waste Committee and Ed Flentje as Chairman to the Citizens Committee. Motion carried 7 to 0.

Motion--carried

Gray moved to appoint Bill Warren to the Citizens Committee. Motion carried 7 to 0.

Motion--
--carried

Fearey moved to reappoint Shawna Mobley, Judge Jennifer Jones and Kent Sisson to the Alternative Correctional Housing Board. Motion carried 7 to 0.

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED FEBRUARY 2, 2004.

Bids were opened January 16, January 23, and January 30, 2004, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Andrea, from the west line of Lot 3, Block E to the west line of 123rd Street East; Andrea Court (Lots 56 thru 64), Block A) from the north line of Andrea to and including cul-de-sac; Andrea Court (Lots 12 thru 22, Block E) from the south line of Andrea to and including cul-de-sac; Andrea Court (Lots 7 thru 12, Block E) from the east line of Andrea Court to and including cul-de-sac; and Tara Falls Court (Lots 28-42, Block E), from the east line of Tara Falls to and including cul-de-sac to serve Tara Falls Addition - south of Harry, east of Greenwich. (472-83848/765822 /490933) Does not affect existing traffic. (District II)

Ritchie Paving - \$190,487.75

Lateral 497 Southwest Interceptor Sewer to serve The Legacy Addition - north of 47th Street South, west of Meridian. (468-83742/744027/480715) Does not affect existing traffic. (District IV)

Mies Construction - \$106,912.25

Lateral 4, Main 1 Northwest Interceptor Sewer to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (468-83639/744028/470716) Does not affect existing traffic. (District V)

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Dondlinger & Sons - \$115,912.00

Water Distribution System to serve The Legacy Addition - north of 47th Street South, west of Meridian. (448-89902/735162/470832) Does not affect existing traffic. (District IV)

McCullough Excavation - \$19,450.00

Water Distribution System to serve Evergreen 4th Addition - south of 29th Street North, west of Maize. (448-89831/735163/470833) Does not affect existing traffic. (District V)

Mies Construction - \$48,453.00

Paddock Green Circle from the north line of Wilson Estates Parkway to 97 feet south of the north line of Lot 5, Block 1, and the cul-de-sacs serving Lots 1 through 5 and Lots 30 through 38, Block 1 to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (472-83816/765825/490936) Does not affect existing traffic. (District II)

Kansas Paving Company - \$106,370.00

Pine Meadow Court from the north line of Pine Meadow Street to and including the cul-de-sac serving Lots 1 through 12, Block 1, to serve Pine Meadows Second Addition - south of 13th Street North, east of Greenwich. (472-83459/765826/490937) Does not affect existing traffic. (District II)

Kansas Paving Company - \$89,099.00

Lateral 356 Four Mile Creek Sewer to serve Savanna at Castle Rock Ranch 5th & 7th Additions - north of 13th Street North, east of 143rd Street East. (468-83681/744023/480711) Does not affect existing traffic. (District II)

Mies Construction - \$55,500.00

Water Distribution System to serve Savanna at Castle Rock Ranch 5th & 7th Additions - north of 13th Street North, east of 143rd Street East. (448-89860/735157/470827) Does not affect existing traffic. (District II)

Mies Construction - \$28,123.50

2004 Planeview Sanitary Sewer Reconstruction Phase 1 - south of Pawnee, east of Hillside. (468-83753/622240/643348) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Wildcat Construction - \$158,395.00

Lateral 4, Main 12, Sanitary Sewer #23 to serve Eagles Landing at North Oliver Second & Third Additions - south of 45th Street North, west of Oliver. (468-83287/744029/480717) Does not affect existing traffic. (District I)

K C Excavating - \$45,193.00

Water distribution system to serve Eagles Landing at North Oliver Second & Third Additions – south of 45th Street North, west of Oliver. (448-89907/735165/470835) Does not affect existing traffic. (District I)

WBW Contractors - \$23,893.00

Lateral 50, Main 2, Sanitary Sewer #22 to serve Westway Addition - south of Pawnee, west of Seneca. (468-83754/744031/480719) Does not affect existing traffic. (District IV)

McCullough Excavation - \$24,699.55

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Lateral 66, Main 4, Southwest Interceptor Sewer to serve University and Ridge Addition - south of Maple, east of Ridge. (468-83744/744032/480720) Does not affect existing traffic. (District V)

McCullough Excavation - \$12,900.00

Lateral 35, Main 1, Cowskin Interceptor Sewer to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (468-83425/744030/480718); Water distribution system to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (448-89899/735166/470836) AND; Storm Water Sewer #602 to serve Thunderbird Office Park Addition - south of Maple, west of 119th Street West. (468-83746/751345 /485245 Does not affect existing traffic. (District V)

McCullough Excavation - \$82,800.00 (Total Aggregate Bid)

2004 Contract Maintenance Area Concrete Street Repairs, Phase 1 - north of 31st Street South, east of Meridian. (472-83912/132716/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,III,IV)

Barkley Construction - \$135,000.00 (Engineer's estimate)

2004 Sanitary Sewer Reconstruction Phase 1-Hilltop area - south of Lincoln, west of Oliver) (468-83740/620395/663515) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$331,131.00

2004 Contract Maintenance Street Repairs and Quickset Slurry Seal, Phase 1 - north of 55th Street South, east of West Street. (472-83917/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI)

Ferguson Paving - \$420,440.00 (Engineer's estimate)

2004 Contract Maintenance Area Concrete Street Repairs Phase 2 - north of Harry, east of Broadway. (472-83913/132716/620398/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II)

Barkley Construction - \$243,000.00

Installation of a sanitary sewer within Edgemoor Park starting in 9th Street, and extending south along the east side of the Library property to Edgemoor Park, then west to an existing sewer main - south of 9th Street, east of Edgemoor. (468-83722 /620391/663512) Traffic to be maintained during construction using flagpersons and barricades. (District 1)

WB Carter Construction - \$39,826.00

Water distribution system to serve Eagles Landing at North Oliver 3rd Addition - south of 45th Street North, west of Oliver. (448-89906/735164/470834) Does not affect existing traffic. (District I)

Nowak Construction - \$27,991.00

Lateral 9, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (468-83757/744035/480723) Does not affect existing traffic. (District V)

WB Carter Construction - \$110,926.00

Motion--

--carried

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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LIBRARY DEPARTMENT/LIBRARY DIVISION: Unarmed Security Services Main Library.

Myers Security Inc. - \$32,028.75 (Total Net Bid/Group 1 @\$11.25/hour)

FINANCE DEPARTMENT/TREASURY DIVISION: Armored Car Services.

PSI Armored Inc. - \$22,452.00* (Total Net Bid/Group 1)

*Refer to Unit Cost

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Install New Parallelogram Vehicle Lift.

Myers Brothers - \$84,875.00 (Total Net bid/Group 1)

WATER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Polyelectrolyte.

Ondeo Nalco Chemical Company - \$17,862.00 (Total Net Bid/Group 1
@\$0.2977/per pound)

PARK DEPARTMENT/RECREATION DIVISION: Install New Maple Hardwood Gym Floor.

Great American Hardwood Floors Inc. - \$46,950.00 (Total Net Bid/Group 1)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Chlorine.

Brenntag Southwest Inc. - \$128,820.00 (Total Net Bid/Group 1 @ \$0.3390/lb.)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Demolition at 1423 South Ridge Road.

H D Mills and Sons - \$67,500.00 (Base Bid Total/Group 1)
\$ 5,500.00 (Option 1/Group 1)

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Uniforms, Rental of Shop (CMF).

Western Uniform & Towel Service - \$4,962.50* (Total Net Bid/Group 1)
*Refer Unit Cost

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Window Replacement – Boathouse.

Hoppers Glass Inc. - \$21,477.00 (Base bid/Group 1)
\$ 3,723.00 (Option 1/Group 1)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Asphalt Impregnated Expansion Joints.

Coleman Materials** \$11,600.00* (Total net bid/Group 1)
*Refer to Unit cost
**Rescind rejection of 01-13-2004

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

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CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Mark Ryan	Ryan Boys North Inc. Dba Two Brothers BBQ*	3750 North Woodlawn Suite 102
Vernon J. Blasi	Blasi Tire Center Inc.	11209 West 54th HWY
Xin B. Liu	Fortune Cookie Restaurant, Inc.*	620 South Holland
Arounh Sengseevong	Bangkok Thai Restaurant	2020 South Rock Road #50

<u>Renewal</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Mike Bidwell	Dillon Store #12	9450 East Harry
Mike Bidwell	Dillon Store #16	8828 West 13th Street North
Mike Bidwell	Dillon Store #21	5500 East Harry
Mike Bidwell	Dillon Store #26	1227 South Hydraulic
Mike Bidwell	Dillon Store #30	2525 West Douglas
Mike Bidwell	Dillon Store #31	1640 South Broadway
Mike Bidwell	Dillon Store #33	4747 South Broadway
Mike Bidwell	Dillon Store #34	3932 West 13th Street
Mike Bidwell	Dillon Store #35	6297 East 13th Street North
Mike Bidwell	Dillon Store #42	4801 East Central
Mike Bidwell	Dillon Store #49	10222 West 21st Street North
Mike Bidwell	Dillon Store #56	3707 North Woodlawn
Mike Bidwell	Dillon Store #62	1435 North Waco
Mike Bidwell	Dillon Store #65	3211 South Seneca
Mike Bidwell	Dillon Store #66	2244 North Rock Road
Mike Bidwell	Dillon Store #72	10515 West Central
Mike Bidwell	Dillon Store #249	2212 North Maize Road
John G. Harmon	Casey's General Store #1860	5562 South Seneca
Sharon Byers	C.B. Express, Inc.	1925 West 21st Street North
David Bullington	Wal-Mart Supercenter #1221	6110 West Kellogg
David Bullington	Wal-Mart Supercenter #3492	14111 East Kellogg
Dennis Abshier	Sav-A-Trip Inc. #29	11931 West Central

<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Sohail Moiz	Citgo	3520 North Woodlawn

<u>New Operator</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Maria Alvarez	El Matador Azteca, Inc.*	3414 East Harry

<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Sanjeeva Wijayatilake	Johnny's Mini Mart	3810 North Woodlawn
Sanjeeva Wijayatilake	Johnny's Mini Mart	8008 East 21st Street South
Dat Huynh	D& T Grocery	895 Woodlawn
Keith Nguyen	LP Kwik Shop	10409 Maple
Kenny Nguyen	PP Station	2601 North Broadway

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<u>New Establishment</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Mike Hoffman	Kwik Shop #749	2142 North Webb Road

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion-- Mayans moved that the licenses subject to Staff review and approval be approved. Motion
--carried carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Water distribution system to serve property along Old Lawrence Road and Broadway - north of 37th, south of K-96. (448-89805/635649/763705) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$171,000.00
- b) Lateral 94, Main 1, Southwest Interceptor Sewer to serve Rivendale Addition - north of 55th Street South, west of Hydraulic. (468-83714/744022/480710) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$367,000.00
- c) Lateral 270, Main 5, Sanitary Sewer #22 to serve an Unplatted Tract located north of 8th, west of Hoover (468-83666/744004/480692) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$14,980.00
- d) Maize. (468-83658/744025/480713) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$323,000.00
- e) Lateral 1, Main 5, Cowskin Interceptor Sewer to serve Harvest Ridge Addition - north of 31st Street South, west of Maize. (468-83659/744026/480714) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$218,000.00
- f) Water distribution system to serve Wilson Estates Medical Park Second Addition - south of 21st Street North, west of Webb. (448-89884/735158/470828) Does not affect existing traffic. (District II) - \$49,000.00
- g) Storm Water Sewer #593 to serve Brighton Courts Addition - south of 21st Street North, west of Webb. (468-83674/751347/485238) Does not affect existing traffic. (District II) - \$418,000.00
- h) Storm Water Sewer #603 to serve Brighton Courts Addition -south of 21st Street North, west of Webb. (468-83749/751352/485243) Does not affect existing traffic. (District II) - \$53,000.00
- i) (Amended) - cost of Main 13, Part B, Sanitary Sewer #23 to serve unplatted tracts - east of Hydraulic, north of 37th Street North. (468-83262/743929/480-617) (District I) – Total Estimated Cost \$200,700.00

Motion--carried Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS: DEEDS AND EASEMENTS:

- a) Dedication dated December 12, 2003 from New Hope Missionary Baptist Church, Inc., for a tract of land in Lots 1, 3, 5, 7, 9 and 11 on Ohio, Moore's Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- b) Sanitary Sewer Easement dated January 12, 2004 from the Board of Park Commissioners for a tract of land located in the Southeast Quarter of Section 13, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Edgemoor Park Sanitary Sewer Improvements, OCA #620391). No cost to City.

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c) Sanitary Sewer Easement dated January 20, 2004 from the Library Board of Directors for a tract of land in Edgemoor Park Branch Library Addition to Wichita, Sedgwick County, Kansas (Edgemoor Park Sanitary Sewer Improvements, OCA #620391). No cost to City.

d) Sidewalk Easement dated January 8, 2004 from Alan D. Schimmels and Judith G. Schimmels for a tract of land in Lot 6, Block 1, Mediterranean Plaza Commercial Second Addition, an Addition to Wichita, Sedgwick County, Kansas (29th, Rock to Webb, OCA #706841). No cost to City.

Motion--carried Mayans moved that the Deeds and Easements be accepted. Motion carried 7 to 0.

NORTHRIDGE

PETITION TO CONSTRUCT A STORM WATER DRAIN IN NORTHRIDGE PLAZA ADDITION, NORTH OF 37TH STREET NORTH, WEST OF RIDGE. (DISTRICT V)

Agenda Report No. 04-0072

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will provide drainage improvements in a new commercial development located north of 37th Street North, west of Ridge.

The Petition totals \$175,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-038

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 221, (north of 37th Street North, west of Ridge) 468-83739 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

CRYSTAL CREEK

PETITION TO CONSTRUCT A STORM WATER DRAIN TO SERVE CRYSTAL CREEK ADDITION, NORTH OF HARRY, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 04-0073

On September 9, 2003, the City Council approved a Petition to construct a storm water drain to serve Crystal Creek Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located north of Harry, west of Greenwich.

The existing Petition totals \$325,000. The new Petition totals \$400,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 04-039

A Resolution amending Resolution No. 03-454 pertaining to Storm Water Drain No. 212 (north of Harry, west of Greenwich) 468-83679 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PARKWILDE

PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM TO SERVE PART OF LOT 2, BLOCK 10, PARKWILDE ADDITION, NORTH OF 3RD, WEST OF FLORENCE. (DISTRICT IV)

Agenda Report No. 04-0074

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend a waterline to a new single-family home located north of 3rd, west of Florence.

The Petition totals \$3,100. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-040

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89874 (north of 3rd Street, west of Florence, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

PAVING

PETITION TO PAVE 20TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 04-0075

The Petition has been signed by two owners, representing 100% of the improvement district.

The project will provide paved access to new commercial development located east of Webb, south of 21st.

The Petition totals \$100,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-041

Resolution of findings of advisability and Resolution authorizing improving 20th Street from the east line of Webb Road to 220' east of the east line of Webb Road, 472-83937, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Public Building Commission, June 19, 2003
Deferred Compensation Board of Trustees, September 11, 2003
Wichita Employees' Retirement System, November 19, 2003
Police & Fire Retirement System, November 19, 2003
Board of Code Standards and Appeals, December 1, 2003
Wichita Airport Advisory Board, December 1, 2003
Wichita Employees' Retirement Board/Police & Fire, December 4, 2003
Board of Park Commissioners, December 9, 2003
Wichita Public Library, December 16, 2003

Motion--carried Mayans moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES: HYDRAULIC, SOUTH OF SOUTHEAST BOULEVARD. (DISTRICT III)

Agenda Report No. 04-0076

The Burlington Northern and Santa Fe Railroad Company recently had a rail break in the crossing in Hydraulic, south of Southeast Boulevard. The Railroad patched the rail and is now requesting a 2-day street closure to install the permanent repair and readjust the rail elevation. Work is scheduled to begin Tuesday, February 10th at approximately 8:30 a.m. with completion and street reopening at approximately 4:00 p.m. on Wednesday, February 11th. During the closure, the railroad will remove the crossing material, replace and weld the patched rail section, set the rail elevation, tamp the crossing and reinstall the concrete crossing material.

During the closure, Hydraulic traffic will be detoured using Southeast Boulevard and Pawnee streets.

Motion--carried Mayans moved that the Street Closure be approved. Motion carried 7 to 0.

CLAIMS ALLOWED

REPORT ON CLAIMS ALLOWED – DECEMBER, 2003.

<u>Name of Claimant</u>	<u>Amount</u>
Aquila, Inc. (fka Peoples Natural Gas)	\$414.47
Johnson, William E.	\$3,661.37**
Siddique, Rashed	\$355.00**
Skinner, F. Ginger	\$793.04**

** Settled for lesser amount than claimed.

Motion--carried Mayans moved that the Report be received and filed. Motion carried 7 to 0.

MUN. COURT DEBT

MUNICIPAL COURT DEBT COLLECTIONS AGREEMENT FOR THE COLLECTION OF COURT FINES AND COSTS.

Agenda Report No. 04-0077

For the past six years, the City has contracted with the Gila Corporation d/b/a Municipal Services Bureau for collection of delinquent Municipal Court fines and costs. Currently the Court processes an average \$25,000-\$45,000 each business day inclusive of delinquent and non-delinquent accounts. On a monthly basis, the City out sources from 900-1,300 delinquent cases with average balances of \$300-\$380. Prior to sending to the collection service, the age of the account since the last payment is 45 days and the proposed vendor will continue collection of cases previously assigned.

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The City of Wichita requested proposals from qualified businesses to provide a detailed operational plan that demonstrates understanding of and capability to assume responsibility for collecting delinquent revenue for the City. Seventy-one requests for proposals were mailed to collection agency companies and attorneys. The proposal was posted on the City's Website and was published in the Derby Reporter. Six responses were received and evaluated. Gila Corporation, d/b/a Municipal Services Bureau (MSB) offered the best value overall for the City and was selected. Municipal Services Bureau is a collection agency based in Austin, Texas, which specializes in collections for municipal courts and has provided collection services to the City of Wichita Municipal Court since 1997. Costs to the City of Wichita for collection services was lowered from 22% to 19.5% of collected amounts, with a guaranteed monthly minimum recovery rate of 20% (increased from a 13% guarantee rate) and agreed to forfeit 25% if the guaranteed monthly minimum recovery rate is not met.

These commissions are budgeted in the Municipal Court operating budget.

The contract will be reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the contract with Gila Corporation, d/b/a Municipal Services Bureau be approved and the necessary signatures authorized.

WAR INDUSTRIES

SUPPLEMENTAL-AGREEMENT FOR WAR INDUSTRIES RELIEF SEWER, PHASE IV.

Agenda Report No. 04-0078

On January 28, 1997, the City Council authorized the design and construction of a Wet Weather Holding Facility on the War Industries Sewer. The firm of Professional Engineering Consultants was selected to design the facility. In the course of their design, PEC observed that if additional sewers were constructed, sewer backup problems and future growth capacity issues in the area would be resolved. The design of the sewer was approved and the project moved forward. Phases I, II, and III of the installation, have been completed and the design for Phase IV is almost complete.

Staff asked PEC to provide additional connections to the sewer that they found would solve the problem in the existing residential areas and allow for future flows from the east. To do so, PEC is required to give advance notice to the utility companies, re-walk the project, check tie-in flows and locations, and update their plans.

The cost for the additional recommended services is not to exceed \$5,700.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

SEWAGE PLANT #1

SEWAGE TREATMENT PLANT NO. 1 MODIFICATIONS.

Agenda Report No. 04-0079

The 2000 Sanitary Sewer Master Plan recommended improvements to Plant No. 1 in order to allow the delay of decommissioning Plant 1 to the year 2050. On May 6, 2003, City Council approved an Agreement with CAS/HDR Joint Venture to evaluate concepts, perform value engineering and cost estimating, and prepare the preliminary design documents for improvements to Sewage Treatment Plant No. 1. These services were Phase I of a Design/Build project.

During work on the project, the delivery method was changed to Design/Bid/Build. On August 5, 2003, there was an Assignment of Agreement to HDR Engineering approved by City Council. The Agreement was completed by HDR Engineering and a pre-design report was produced.

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Request for proposals were sent to engineering firms with three firms responding. The Staff Screening and Selection Committee heard presentations on October 21, 2003, and selected HDR Engineering to provide services.

Plant 1 Improvements (CIP S-523) has a budget of \$5.2 million. The Agreement for the final design and construction related services are \$495,000.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FALSE ALARMS

FALSE ALARM BILLING SYSTEM COLLECTION CONTRACT.

Agenda Report No. 04-0080

In March 1999, after issuing a Request for Proposal (RFP), the City out-sourced the false alarm billing system to a private contractor. Electronic Data Systems Corporation (EDS) was the selected vendor. The current contract with EDS requires them to maintain a database of registered alarm systems, track, bill, and report false alarm data and provide education to the public and alarm monitoring companies regarding the Alarm Systems Ordinance.

At the time the original contract was negotiated, there were on-going legal discussions about whether the City could turn these accounts over for collection or whether this was a conflict with the confidentiality clause within the ordinance. The City Attorney has since determined that the City may refer these unpaid penalties to an outside collection agency.

An amendment to the EDS Contract has been prepared to enter into an agreement between the City and EDS for EDS to prepare and negotiate a collection agreement with a City-approved third-party collection agent on past due alarm system fees. EDS will modify their Alarm Tracking and Billing Software to extract data on past due accounts, provide that data to the city-approved third-party collection agent, and collect and post payments received on past due accounts. Kansas Counselors Inc. (KCI) has the current contract for City of Wichita collections. The City is approving KCI as the third party collection agent. KCI will collect delinquent false alarm fees by retaining 20.5% of the amount collected or, if legal action is required, 40% plus court costs. Research by the False Alarm Reduction Association (FARA) and the National Burglar and Fire Alarm Association (NBFAA) consider collection of fees as "one of several tools to discourage false alarms, encourage compliance and hasten application of corrective actions to avoid false alarms". In addition to the tracking, billing, educating and reporting functions currently provided by EDS, it is believed that adding this past due collection service will further assist in the reduction of false alarms. The purpose of Chapter 3.40 Alarm Systems is to reduce the number of false alarm activations that require a response by the City's emergency personnel.

In 2002, there were approximately 25,000 false alarm calls to the Emergency Communications Center for alarm systems. (2003 data is not yet available). In comparison, false alarm calls for 1998 were approximately 37,000. It is believed that the March 1999 changes to Chapter 3.40 Alarm Systems, and the implementation of the EDS Alarm Tracking and Billing System have both contributed to this welcome decline in false alarm activations.

Approximately 60% of the accounts receivable balance for false alarms is over 120 days delinquent. By implementing the collection contract with EDS, the City will be able to collect on past due balances, and by enforcing payment of the ordinance fees, should be able to further reduce the false alarm activations.

The proposed cost to modify and implement the EDS Alarm Tracking and Billing System collection agreement is \$3,500 in one time costs. The annual operating cost for EDS to administer the collection contract is \$3,600 annually. These costs will be funded within the General Fund with the anticipated increases in alarm revenue offsetting the additional expenses.

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Motion-- Mayans moved that the appropriate signatures to sign the contract with Electronic Data Systems Corporation be authorized, the funds required for the implementation of the collection agreement be authorized and the annual budget to fund the management of the collection agreement be increased.
--carried Motion carried 7 to 0.

HAWTHORNE AGREEMENT FOR DESIGN SERVICES FOR HAWTHORNE & HAWTHORNE SECOND ADDITIONS, NORTH OF 21ST, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 04-0081

The City Council approved the project on September 9, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Hawthorne & Hawthorne 2nd Additions. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$89,325, and will be paid by special assessments.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion
--carried carried 7 to 0.

CHISHOLM CREEK SUPPLEMENTAL-AGREEMENT FOR 21ST STREET NORTH BRIDGE OVER WEST BRANCH CHISHOLM CREEK. (DISTRICT VI)

Agenda Report No. 04-0082

On April 16, 2002, the City approved an Agreement with Cook, Flatt & Strobel Engineers, P.A. (CF&S) for designing improvements to the 21st Street North Bridge over the West Branch Chisholm Creek at St. Francis. The fee was \$43,970. On November 11, 2003, the City Council approved Supplemental Agreement No. 1, which required CF&S to lowering or relocate the existing 20" water line. The fee was \$7,830.

CF&S has been asked to design the bridge to be built in two sections including traffic control. The proposed Supplemental Agreement between the City and CF&S provides for additional design services.

Payment will be on a lump sum basis of \$4,470 and will be paid by Revenue Bonds.

Motion-- Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
--carried Motion carried 7 to 0.

ELECTRIC LINES RELOCATION OF WESTERN RESOURCES ELECTRIC LINES FOR THE HYDRAULIC, MACARTHUR TO 57TH STREET SOUTH PROJECT. (DISTRICT III)

Agenda Report No. 04-0083

On March 5, 2002 the City Council approved paving and drainage improvements to Hydraulic, 57th St. S. to MacArthur. Hydraulic will be widened to five lanes, including sidewalk and storm sewers. Existing Western Resources electrical lines are being relocated to accommodate the roadway improvements. Work has been completed between MacArthur and 47th St. South, and still needs to be done between 47th St. S. and 57th St. S.

The electrical facilities to be moved were originally located in a private easement. Because of this, the cost to relocate the facilities must be paid by the City. On January 7, 2003 the City Council approved an Agreement with Westar to relocate facilities between MacArthur and 47th St. S. for \$78,000. Actual

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costs for this portion of Hydraulic were \$87,226.12. The estimated cost for transmission lines between 47th St. S. and 57th St. S. is \$34,000.

The additional cost for Hydraulic between MacArthur and 47th St. S. is \$9,226.12. The estimated cost to relocate the lines between 47th St. S. and 57th St. S. is \$34,000. Funds are available in the project account (funded by General Obligation bonds) to provide for these expenses.

Motion--
-- carried

Mayans moved that the payment for the completed work and the Agreement for the next phase be approved; and the necessary signatures authorized. Motion carried 7 to 0.

ECONOMIC DEV.

CONTRACT WITH THE CENTER FOR ECONOMIC DEVELOPMENT AND BUSINESS RESEARCH (CEDBR).

Agenda Report No. 04-0084

The City of Wichita has utilized the Center for Economic Development and Business Research (CEDBR) to prepare general information and economic outlook sections of the Official Statements (OS) for the bi-annual bond issuances, the Comprehensive Annual Financial Report (CAFR) and the Annual Budget for a number of years.

The Center prepares data for the Wichita metropolitan statistic area (including Butler, Harvey and Sedgwick County). Some of the narrative describes the current economy, current year forecast for employment and retail sales, key assumptions underlying forecasts, as well as population characteristics including growth, density and composition.

Reports prepared for the CAFR reflect an historical perspective, while the reports generated for the OS and the Annual Budget reflect a future perspective. The Center is able to provide an independent analysis of the City forecasting growth or decline thus assisting the City with budget preparation and rating agency presentations.

The fee is based on each component total with a not to exceed amount of \$9,720. Funding is available through the Wichita State University mill levy.

Motion--
--carried

Mayans moved that a one-year contract with the Center for Economic Development and Business Research utilizing the Wichita State University mill levy be approved. Motion carried 7 to 0.

TRANSIT

TRANSIT MANAGEMENT CONTRACT.

Agenda Report No. 04-0085

In 1997, the City Council took action to create a Transit Department and eliminate the separate authority, which had previously governed bus services in Wichita. The management of this service continued under a management contract with ATE, now First Transit, Inc. These management services have been contracted since 1981.

The City contract with First Transit has expired and has been continued on a month-to-month basis pending a decision on whether or not to continue with an operations management contract or hire a Transit Director as a City employee to head the Transit Department. Many cities retain contract management services because of the training, purchasing support, inspections and service monitoring and information on best practices available from the management company. Other cities hire general managers to ensure management succession planning and experience. Given the right mix of education, skills, organization al structure and personalities, both systems have been successful.

First Transit has submitted a proposal to the City to continue the Management Services Contract for a term of five (5) years. The Transit Director is responsible for overseeing the operations of the Transit system and is assisted by the support services offered by First Transit (listed above). First Transit

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proposed fee schedule (which is inclusive of salary and benefits paid to the Transit Director) is the following:

2004 - \$101,014
2005 - \$104,549
2006 - \$108,208
2007 - \$111,995
2008 - \$115,915

Based upon comparative experienced management personnel costs, there does not appear to be significant savings (if any) for discontinuing contracted management. Staff proposes continuation of the contract for a one-year period based upon past performance and the proposed fee structure. At the end of this time period, it is suggested that the City Council again review the contract and determine if contractual management is preferred to hiring a City employee as the department director.

The current fee, which has been in effect since August 2000, is \$96,204. A new contract will increase the fee by nearly 5 percent per year to \$101,014 and will be funded from the Transit Fund.

The Law Department will approve the contract as to form.

Motion--
--carried

Mayans moved that the contract with First Transit for a one-year period be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY DISP.

SALE OF SURPLUS PROPERTY: LOCATED AT 1053 SOUTH ACADIA. (DISTRICT I)

Agenda Report No. 04-0086

Brenton DuPont has offered \$55,000 for the City-owned property at 1053 Acadia. According to County records the property has 12,486 square feet and is developed with a 1,601 square foot tri-level, frame single-family residence. The house has three bedrooms and one bath. The property was acquired as part of a damage claim settlement. There will need to be mold remediation, replacement of lower level wall and floor coverings and replacement of the heating and air conditioning systems as a result of the damage. In addition, it appears that the roof needs replacement. It has been vacant for approximately two years.

The property was included in the property-marketing program completed on October of 2003 with a minimum price of \$66,750. Several offers were received but none met the minimum price. The \$55,000 represents the highest offer received. The property is being sold "as-is" with the buyer responsible for all repairs and inspections. The buyer intends to renovate the property and use it as a rental property.

The City will receive cash consideration from the sale of the property at closing. The property will return to the tax rolls and the City will no longer be responsible for maintenance.

Motion--
--carried

Mayans moved that the Real Estate Purchase Contracts be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF A TEMPORARY EASEMENT OVER A PORTION OF 131-141 NORTH MCCOMAS STREET FOR FIRST AND SECOND STREET WEST DRAINAGE OUTFALL. (DISTRICTS IV AND VI)

Agenda Report No. 04-0087

On November 19, 2002, the City Council approved the project location and initiation of acquisition for the First and Second Street West Drainage Outfall project. The project will require the acquisition of several parcels of land and easements. One of the required easements is located at 131-141 North McComas Street. The parcel is owned by Steve and Susan Walsh and is developed with a multi-building apartment complex.

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The project will require construction staging on the north part of the property. This area as well as the undeveloped First Street right-of-way, is currently utilized by the complex as a playground and open area. The project will necessitate the relocation of all the playground equipment and the destruction of the basketball court. The owner has agreed to grant the necessary easement in exchange for \$5,500.

Council action approved \$250,000 for acquisition for the project.

The funding source is Storm Water Utility funds. A budget of \$5,500 is requested.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 7 to 0.

ASSESS. ROLLS

PROPOSED ASSESSMENT ROLLS.

Proposed Assessment Rolls have been prepared for (28) paving projects, and it is necessary to set a public hearing date. Informal hearing with City personnel will be held February 23, 2004.

Motion--
--carried

Mayans moved that the hearing on the Proposed Assessment Rolls be set for 9:30 a.m., Tuesday, March 2, 2004, and that the notices of hearing be published at least once, not less than 10 days prior to the date of the hearing. Motion carried 7 to 0.

CENTURY MFG.

REDEMPTION OF INDUSTRIAL REVENUE BONDS-CENTURY MANUFACTURING, INC. (DISTRICT II)

Agenda Report No. 04-0088

On March 4, 1994 the City Council approved the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4 million to finance facilities for the benefit of Century Manufacturing, Inc. (the Tenant). The bond proceeds were used to finance construction of a new corporate headquarters building and main manufacturing plant, and to acquire production machinery. Century Manufacturing is requesting City Council to ratify an early call of a portion of the bonds. Section 305 of the Bond Indenture provides that the Issuer may elect to redeem Bonds subject to optional redemption upon receipt of a written request of the Tenant. Under the terms of the Indenture, the Issuer is required to give written notice to the Trustee, directing the Trustee to call the Bonds, at least 30 days prior to the stated call date. The City received notice from the Tenant of a request to call a portion of the bonds and of the company's intention to redeem \$450,000 on March 1, 2004. To effect this call, notice needed to be given to the bondholders on or before February 1, 2004.

There is no financial impact to the City resulting from the proposed redemption. Tenant funds will be the source of funds for the redemption.

Motion--
--carried

Mayans moved that the normal Tenant notice requirement for early redemption of a portion of the Series 1994 Bonds be waived and the call and the notice and instructions given by the Tenant to the Trustee, and the notice given by the Trustee to bondholders be ratified. Motion carried 7 to 0.

RYAN INTNL.

CHANGE OF TRUSTEE BANK FOR INDUSTRIAL REVENUE BONDS-RYAN INTERNATIONAL. (DISTRICT VI)

Agenda Report No. 04-0089

INTRUST Bank N.A., recently announced the sale of its Corporate Trust Business to BNY Trust Company of Missouri. INTRUST sold and transferred substantially all of its Corporate trust business to BNY Trust Company, which became the trustee under the Indenture pursuant to Section 1005 of the Indenture. Ryan International has asked the City to approve a change of trustee bank from BNY Trust Company to UMB Bank, N.A., of Kansas City, Missouri as successor trustee.

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Ryan International is requesting the change of trustee for its Industrial Revenue Bond Issue, Series XVII, 1998. Ryan International has requested the change of trustee bank, pursuant to provisions of the bond indenture, which allows the Tenant to initiate the change with concurrence of the Issuer. The Successor Trustee, representing that it is qualified to accept such trust under Section 1008 of the Indenture, has filed with the Issuer and the Tenant its written acceptance of the appointment as successor trustee and has accepted the duties and responsibilities of the trustee under the Indenture.

There is no financial impact on the City.

Motion--

Mayans moved that the Resolution removing BNY Trust Company of Missouri as trustee and appointing UMB Bank as successor trustee be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-042

A Resolution of the governing body of the City of Wichita, Kansas, acknowledging the removal of the Trustee named in a Certain Trust Indenture between the City and said Trustee relating to the City's Taxable Industrial Revenue Bonds, Series XVII (Ryan Properties, LLC), dated December 1, 1998, and appointing UMB Bank, N.A., Kansas City, Missouri as successor trustee, presented. Mayans moved the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

INNES STATION

CHANGE OF TRUSTEE BANK FOR MULTI-FAMILY HOUSING REVENUE BONDS-INNES STATION PARTNERS, L.L.C. (DISTRICT VI)

Agenda Report No. 04-0090

INTRUST Bank N.A. recently announced the sale of its Corporate Trust Business to BNY Trust Company of Missouri. INTRUST sold and transferred substantially all of its Corporate trust business to BNY Trust Company, which became the trustee under the Indenture pursuant to Section 7.10 of the Indenture. Innes Station has asked the City to approve a change of trustee bank from BNY Trust Company to UMB Bank, N.A., of Kansas City, Missouri as successor trustee.

Innes Station is requesting the change of trustee for its Industrial Revenue Bond Issue, Series II, 1998. Innes Station has requested the change of trustee bank, pursuant to provisions of the bond indenture, which allows the Tenant to initiate the change with concurrence of the Issuer. The Successor Trustee, representing that it is qualified to accept such trust under Section 7.09 of the Indenture, has filed with the Issuer and the Tenant its written acceptance of the appointment as successor trustee and has accepted the duties and responsibilities of the trustee under the Indenture.

There is no financial impact on the City.

Motion--

Mayans moved that the Resolution removing BNY Trust Company of Missouri as trustee and appointing UMB Bank as successor trustee be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-043

A Resolution of the governing body of the City of Wichita, Kansas, acknowledging the removal of the Trustee named in a Certain Trust Indenture between the City and said Trustee relating to the City's Multifamily Housing Revenue Bonds, Series II, 1998 (Innes Station Apartments Project) dated February 1, 1998, and appointing UMB Bank, N.A., Kansas City, Missouri as successor trustee, presented. Mayans moved the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ENVISION, INC.

CHANGE OF TRUSTEE BANK FOR INDUSTRIAL REVENUE BONDS-ENVISION, INC. (DISTRICT III)

Agenda Report No. 04-0091

INTRUST Bank N.A., recently announced the sale of its Corporate Trust Business to BNY Trust Company of Missouri. INTRUST sold and transferred substantially all of its Corporate trust business to BNY Trust Company, which became the trustee under the Indenture pursuant to Section 1005 of the Indenture. Innes Station has asked the City to approve a change of trustee bank from BNY Trust Company to UMB Bank, N.A., of Kansas City, Missouri as successor trustee.

Envision, Inc. is requesting the change of trustee for its Industrial Revenue Bond Issues, Series V, 2001 and Series I, 2003. Envision, Inc. has requested the change of trustee bank, pursuant to provisions of the bond indenture, which allows the Tenant to initiate the change with concurrence of the Issuer. The Successor Trustee, representing that it is qualified to accept such trust under Section 1008 of the Indenture, has filed with the Issuer and the Tenant its written acceptance of the appointment as successor trustee and has accepted the duties and responsibilities of the trustee under the Indenture.

There is no financial impact on the City.

There are two resolutions to effect the change of Trustee because there are two separate series of bonds.

Motion--

Mayans moved that the Resolutions removing BNY Trust Company of Missouri as trustee and appointing UMB Bank as successor trustee be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 04-044

A Resolution of the governing body of the City of Wichita, Kansas, acknowledging the removal of the Trustee named in a Certain Trust Indenture between the City and said Trustee relating to the City's Industrial Revenue Bonds, Series V, 2001 (Envision, Inc.), dated June 15, 2001 and appointing UMB Bank, N.A., Kansas City, Missouri as successor trustee, presented. Mayans moved the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 04-051

A Resolution of the governing body of the City of Wichita, Kansas, acknowledging the removal of the Trustee named in a Certain Trust Indenture between the City and said Trustee relating to the City's Industrial Revenue Refunding Bonds, Series I, 2003 (Envision, Inc.), dated February 15, 2003, and appointing UMB Bank, N.A., Kansas City, Missouri as successor trustee, presented. Mayans moved the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

BG PRODUCTS, INC.

CHANGE OF TRUSTEE BANK FOR INDUSTRIAL REVENUE BOND ISSUES-BG PRODUCTS, INC. (DISTRICT I)

Agenda Report No. 04-0092

INTRUST Bank N.A. recently announced the sale of its Corporate Trust Business to BNY Trust Company of Missouri. INTRUST sold and transferred substantially all of its Corporate trust business to BNY Trust Company, which became the trustee under the Indenture pursuant to Section 1005 of the Indenture. BG Products has asked the City to approve a change of trustee bank from BNY Trust Company to UMB Bank, N.A., of Kansas City, Missouri as successor trustee.

BG Products, Inc. is requesting the change of trustee for its Industrial Revenue Bond Issue, Series X-A&B, 1998. BG Products has requested the change of trustee bank, pursuant to provisions of the bond indenture, which allows the Tenant to initiate the change with concurrence of the Issuer. The Successor Trustee, representing that it is qualified to accept such trust under Section 1008 of the Indenture, has

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filed with the Issuer and the Tenant its written acceptance of the appointment as successor trustee and has accepted the duties and responsibilities of the trustee under the Indenture.

There is no financial impact on the City.

Motion--

Mayans moved that the Resolution removing BNY Trust Company of Missouri as trustee and appointing UMB Bank as successor trustee be adopted and the necessary signatures be authorized.

--carried

Motion carried 7 to 0.

RESOLUTION NO. 04-045

A Resolution of the governing body of the City of Wichita, Kansas, acknowledging the removal of the Trustee named in a Certain Trust Indenture between the City and said Trustee relating to the City's Industrial Revenue Bonds, Series X-A/B, 1998 (BG Products, Inc.) dated July 1, 1998, and appointing UMB Bank, N.A., Kansas City, Missouri as successor trustee, presented. Mayans moved the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SR. MNGMENT EXP. SENIOR MANAGEMENT EXPENSES FOR DECEMBER 2003.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 7 to 0.

MOODY'S

MOODY'S INVESTORS SERVICE APPLICATION FOR PREFERRED PRICING.

Agenda Report No. 04-0093

Moody's Investors Service is one of three rating agencies that rate municipal bonds and temporary notes. The City of Wichita has used Moody's to rate most, if not all, of its bonds and notes since 1975. Moody's offers a Preferred Pricing rating fee schedule to issuers who have used their rating service once within the last 12 months.

Because the City has used Moody's within the last twelve months, the City qualifies for Preferred Pricing. The Preferred Pricing structure would allow the City to save approximately 40% off of standard pricing fees for its bonds. In addition, there is a reduction and/or waiver of fees on the cost of ratings associated with the Temporary Notes. To remain in Preferred Pricing status, the City will have to use Moody's at least once within the twelve month preceding the sale. Should the City choose not to use Moody's to rate its bond issues, the City would fall out of Preferred Pricing status but could qualify again if they choose to use Moody's in the future.

The City currently spends approximately \$17,000 per bond sale on rating services for its General Obligation Bonds. Further, the City spends approximately \$17,000 for each rating on its temporary notes. If the Preferred Pricing application were approved, the City would save approximately \$7,000 per bond sale. If the City applies for Preferred Pricing status, the total amount of the rating service for the temporary notes (\$17,500) could be waived because the City used Moody's to rate its most recent series of Notes. The savings would be seen immediately because Moody's is willing to reduce the current invoices for services provided for the January 13, 2004 bond and note sale.

Motion--

Mayans moved that the Finance Department complete and submit the application be authorized.

--carried

Motion carried 7 to 0.

LKM

LEAGUE OF KANSAS MUNICIPALITIES.

Agenda Report No. 04-0094

For several years the City of Wichita has been an active member in good standing with the Kansas League of Municipalities. The City has benefited from the LKM research capabilities and legislative

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cooperative efforts. In addition, the City has been able to network effectively with other community leaders on key regional and state legislation.

The approval of this payment will continue to provide quality information on a timely basis for the benefit of the citizenry. As a result of the amendment to the League Bylaws at the 2001 Convention of the League, there are now only two factors, which are considered in the calculation of League dues for League member cities. These two factors are: (1) the population of the city; and (2) the assessed valuation of the city.

This item was approved and budgeted in the 2004 Adopted Annual Budget under non-departmental for membership fees.

Motion--

Mayans moved that the payment to League of Kansas Municipalities in the amount of \$76,314.30 for the 2004 membership dues and subscriptions to the Kansas Government Journal be approved. Motion carried 7 to 0.

--carried

FIRE APPARATUS

2004 FIRE APPARATUS REPLACEMENT PROGRAM.

Agenda Report No. 04-0095

The Fire Departments' heavy equipment fleet consists of 32 pieces of front-line equipment, including three aerials, two aerial platforms, 16 engines (pumpers), six quints, one heavy rescue, two mobile air trucks, one tender and one hazardous materials truck. To ensure service readiness at all times, accommodate training needs and maintain the City's fire insurance (ISO) rating, the fleet also includes seven reserve units, for a total of 39 fire heavy apparatus. With an average service life ranging from 10 to 20 years, several pieces of equipment must be replaced each year in order to maintain fire protection capabilities and keep the fleet current.

The Capital Improvement Program includes funds in 2004 to replace fire apparatus. Four apparatus are scheduled to be replaced, three quints and one aerial platform. Equipment is also required to properly equip these vehicles for fire protection services, such as fire hose, hose reels, rescue tools and hand-held lights. Project initiation is necessary at this time due to the lengthy lead-time (approximately eight months) from order to delivery of fire apparatus. The Council already approved the project on October 7, 2003. However, the statutory reference on the original resolution needs to be revised.

There is no change in the project budget.

Motion--carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 04-046

A Resolution determining the advisability of making certain public improvements in the City of Wichita, Kansas, and setting forth the general nature and the estimated cost of such improvements; authorizing and providing for the making and financing of the improvements in accordance with the findings of the governing body; and directing the publication of this resolution, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

NARCOTIC SEIZURE NARCOTIC SEIZURE FUND BUDGET.

Agenda Report No. 04-0096

The Wichita Police Department has utilized the Narcotic Seizure Fund for approximately a decade to fund various Police operations. The Narcotic Seizure Fund consists of monies from federal, state, and other agencies obtained as a result of investigations into illegal enterprises such as the possession and sale of narcotics. After the judicial process is completed, the funds are awarded to the Department. The

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Wichita Police Department adheres to stringent state and federal guidelines in accounting for and using the Narcotic seizure funds.

By using these funds for expenses such as undercover vehicle maintenance, training Department personnel, and purchase of safety and operational equipment, the Police Department has been able to effectively address the various crimes which impact our city, particularly drug and moral violations.

The budget for the Narcotic Seizure Fund is adopted to permit the expenditure of funds forfeited to the Wichita Police Department. Federal and state regulations require separate accounts for assets forfeited under different forfeiture programs. Also, each year, the City is required to submit a Federal Annual Certification Report, which outlines federal seizure revenue and expenditures for the prior year.

As of December 31, 2003, the Narcotic Seizure Fund totaled \$183,090. The Police Department recommends the following budget for 2004:

<u>Budgeted Item</u>	<u>Amount</u>
Undercover buy money	50,000
Undercover vehicle maintenance/operations	50,000
Matching funds	40,000
Undercover fleet replacements	20,000
Vehicle liability insurance	12,500
Law enforcement training	7,500
Annual audit	2,800
Contingency/fund reserve	290
	<u>\$183,090</u>

Federal and State laws require local units of government to use forfeited assets to supplement the funds dedicated to law enforcement and prohibits supplanting local funds with forfeited assets. As a prerequisite to the approval of any equitable sharing request, the City must submit the Federal Annual Certification Report within 60 days after the close of the fiscal year.

Motion--
--carried

Mayans moved that the budget be adopted and the necessary signatures be authorized for the Federal Annual Certification Report. Motion carried 7 to 0.

PLANEVIEW WATER PLANEVIEW WATER SYSTEM IMPROVEMENTS. (DISTRICT III)

Agenda Report No. 04-0097

The 2004 adopted Water Utility Capital Improvement Program provides for improvements to the water system in Planeview. Water mains were recently replaced and relocated in various sections of Planeview because the old mains had become leak-prone. The replaced water mains were relocated from the backyards into street rights-of-way where maintenance of the mains will be more convenient and less expensive.

Authorized improvements include the installation of new consumer lines by a licensed plumber. All new consumer lines are to be metered, as previously, some of the individual accounts were not. By metering former flat-rate accounts, unaccounted for water will be reduced, and this will also serve as a conservation measure that is recommended by the State of Kansas. The Wichita Water Conservation Program includes the state's recommendation.

Planeview Water System Improvements (CIP W-70) has a budget of \$100,000 for 2004, and will be funded from future revenue bonds and/or Water Utility cash reserves.

Motion--
--carried

Mayans moved that the project expenditures for 2004 be approved, the Resolution be adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 04-047

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A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City and to issue Revenue Bonds in a total principal amount which shall not exceed \$100,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law.

PUBLIC EXIGENCY PUBLIC EXIGENCY PROJECT, PLANEVIEW CONSUMER WATER LINES.

Agenda Report No. 04-0098

The Water & Sewer Utility has been systematically replacing water mains in the Planeview neighborhood over an extended period of time. During the January 1st holiday, two distribution water mains failed in the area of Cessna & Roseberry. The replacement mains have been installed and all but three customers have had their consumer lines replaced and connected to new water services on the replacement mains.

Rather than incur the expense of continuing repairs on the original water facilities, the Utility will complete the replacement of the three remaining consumer lines on an emergency basis. Staff contacted seven (7) contractors that typically bid on this type of work, receiving three responses. Mies Construction was the low bidder at \$6,000. The City Manager approved proceeding with the project on January 2, 2004.

Planeview Consumer Line Replacements (CIP W-70) has funds available from 2003 of \$137,000. This repair will be funded from Water Utility Revenues and Reserves and/or a future revenue bond issue.

City Ordinance 2.64.020, "Public Exigency," authorizes the City Manager to approve work to be performed by a contractor without formal bidding.

Motion--
--carried

Mayans moved that the City Manager's Public Exigency approval of the project be affirmed.
Motion carried 7 to 0.

LIBRARY GRANTS LIBRARY GRANTS-IN-AID PROGRAM BUDGET.

Agenda Report No. 04-0099

State grants-in-aid funding is distributed each year to local public libraries to be used to enhance library service and to offset the cost of serving Kansas residents that live outside a library's local taxing district. Grants are distributed using a population-based formula with the exception of provisions preventing use of grants for construction, repair, debt reduction or utilities. There are no limitations on how local libraries may choose to utilize grant funds.

The Wichita Public Library relies upon grants-in-aid funding to expand staffing, to help underwrite costs of delivering electronic information to customers and to purchase library materials and minor office equipment. The Local Historian, one Central Library Children's Section paraprofessional, two part-time clerks for the Central Library Business & Technology Section and the Library's Volunteer Coordinator are among the positions funded by this grant. Electronic databases and subscriptions such as the Access Kansas, additional copies of high demand items such as bestsellers, books on cassette and CD-ROM and specialized reference tools are among materials purchase priorities.

State Library staff indicates the 2004 grant award to the Wichita Public Library will be approximately \$246,367. Library staff have proposed a budget of \$187,336 for personal services, a total of \$23,236 for contractual expenses including IT/IS expenses, travel expenses to send employees to two training activities related to upcoming library programs, binding of library materials, fees for cataloging and processing of library materials and equipment repairs, \$24,795 for the purchase of commodities including library materials, office and computer supplies and minor office equipment, and \$11,000 for capital purchases of furniture and equipment. This budget was reviewed and approved by the Library's Board of Directors at its January 20, 2004 meeting.

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Motion-- Mayans moved that the recommendation of the Library Board of Directors to accept the 2004 grant award be endorsed and that submission the grant budget to the Kansas State Library be adopted and authorized. Motion carried 7 to 0.
--carried

LIBRARY AID

SOUTH CENTRAL KANSAS LIBRARY SYSTEM AID TO LOCAL UNITS BUDGET.

Agenda Report No. 04-0100

The South Central Kansas Library System (SCKLS) provides grants to its member public libraries as part of its aid to local units service. These grants include two components: 1) basic grants based on the size of the library; and 2) supplemental grants based on statistics representing the number of local items loaned to other libraries and the number of out of taxing district customers served by the local library. No grant application or contract is required for receipt of these funds. Public libraries are only required to maintain membership in the library system in order to qualify for funding through this program.

SCKLS is funded through a 12-county, $\frac{3}{4}$ mil tax on property that is outside of an established public library taxing district. Aid to local units funding is intended to reimburse member public libraries for the customers they serve from outside their taxing districts and for the interlibrary loan service they provide to other libraries. The Wichita Public Library uses funding from this source to fund the salaries of its Interlibrary Loan Librarian and a part-time clerk at the Westlink branch, which serves a significant population base from western Sedgwick County. Additional funds will be used to underwrite expenses related to library participation in the Kansas Library Association, subsidies related to the delivery of the library's Talking Books program (Sub-regional Library for the Blind and Physically Handicapped) and funds to upgrade some public access computer workstations in order to make use of the State Library's free Internet filtering service.

Wichita's 2004 grant award is projected to be \$88,745. This budget was reviewed and approved by the Library's Board of Directors at its January 20 2003 meeting.

Motion-- Mayans moved that the recommendation of the Library Board of Directors to accept the 2004 aid to local units funds from the South Central Kansas Library System be endorsed; and the budget be approved. Motion carried 7 to 0.
-- carried

BANKING SERVICES BANKING SERVICES RESOLUTION.

Agenda Report No. 04-0101

In October, 2003, the City Council adopted resolution # 03-564 approving the selection of Intrust Bank, N.A. and authorizing the preparation, execution and delivery of agreements in connection therewith. The term of the agreement was to be from June 1, 2003 through May 30, 2004 with options to renew under the same terms and conditions for four (4) successive one (1) year terms by mutual agreement of the parties. The resolution specifically gave authority to Chris Cherches and Kelly Carpenter to enter into agreements with the bank to establish authorizations and to conduct or establish banking procedures.

Chris Cherches retired effective December 31, 2003. The City Council has appointed Catherine Holdeman as Interim City Manager. A new resolution should be adopted granting authority to Catherine Holdeman and removing Chris Cherches authority.

There are no costs involved in changing the resolution.

The resolutions will be approved as to form by the Law Department prior to execution.

Motion-- Mayans moved that the Resolution giving Catherine Holdeman and Kelly Carpenter authority to execute banking documents on behalf of the City of Wichita be adopted and the necessary signatures be authorized. Motion carried 7 to 0.
--carried

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RESOLUTION NO. 04-048

A Resolution approving the selection of Intrust Bank, N.A., as a banking services provider and authorizing the preparation, execution and delivery of certain Agreements in connection therewith, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

SUBDIVISION FEES AMENDMENT OF ORDINANCE ESTABLISHING FEES FOR SUBDIVISION APPLICATIONS AND PROCEEDINGS.

Agenda Report No. 04-0102

Section 2.26.030 of the City Code establishes the fees for the purpose of defraying costs of subdivision applications and proceedings.

Until recently, fees for platting, replatting and other related services performed by City staff did not include a fee for offsetting the expenses associated with maintaining and moving special assessments on property. In June, Council agreed to a replat fee. However, since the fee was instituted, lot splits are on the rise because there is not currently a fee associated with that process. The amount of time required to maintain split properties can be quite substantial based on the number of lots being split and the number of projects associated with the lots. Consulting engineers currently doing business with the City will be notified by mail of the fee for lot splits.

The fee will include a \$10 administrative fee per split requested, \$7.50 charge per lot being split and \$10 charge per assessment project being recalculated and reapportioned. The proposed fee structure will help defray the costs associated with reallocating the special assessments.

Motion--carried Mayans moved that the ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section 2.26.030 of the Code of the City of Wichita, Kansas, pertaining to fees for Subdivision Applications and Proceedings and repealing the original of said Section, introduced and under the rules laid over.

ORDINANCES SECOND READING ORDINANCES: (FIRST READ JANUARY 13, 2004).

a) Sign Code.

ORDINANCE NO. 45-975

An Ordinance amending Sections 24.04.185, 24.04.190, 24.04.195, 24.04.220 and 24.04.222 and repealing the originals of said Amended Sections 24.04.251, all in the Code of the City of Wichita, Kansas, and pertaining to the sign codes of the City of Wichita, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) Z-3359 - southeast corner of Maple and Ridge Road. (District V)

ORDINANCE NO. 45-976

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Z-3359)

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- c) Z-3350 and Z-3360 - east side of Ridge Road, south of Maple. (District V)

ORDINANCE NO. 45-977

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Z-3350)

ORDINANCE NO. 45-978

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Z-3360)

- d) Z-2002-23 and Z-2002-56 - east side of Ridge Road, south of Maple. (District V)

ORDINANCE NO. 45-979

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Z-2002-23)

ORDINANCE NO. 45-980

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Z2002-56)

- e) ZON 2003-56 - west of Hillside and north of Kellogg. (District I)

ORDINANCE NO. 45-981

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON2003-56)

- f) A04-03 – northeast corner of the Intersection of 44th Street South and Hoover Road. (District IV)

ORDINANCE NO. 45-982

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (A04-03)

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FIRST READING ORDINANCE: SIDEWALK REPAIRS.

Motion--carried

Mayans moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

John Schlegel

Director of Planning, reported that item #52 is not a consent item and that the applicant for item #57, A04-04, wished to withdraw her application.

Motion--
--carried

Mayans moved that the Planning Agenda Items be approved as presented, except for Items 52 and 57. Motion carried 6 to 0. (Brewer momentarily absent)

ZON 2003-64

ZON2003-64-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY LOCATED WEST OF GREENWICH, SOUTH OF I-35, KANSAS TURNPIKE. (DISTRICT II)

Agenda Report No. 04-0103

The applicant is seeking "GO" General Office zoning on an undeveloped unplatted 8.9-acre tract located just south of I-35 and west of Greenwich. Based upon a preliminary plat that has been approved by MAPC, Fawn Grove at Sunset Lakes, the site would be divided into two lots to provide for building sites that would adjoin a significant drainage feature. The plat depicts a new street, Fawn Grove, going west of Greenwich, located 130 feet south of the turnpike right-of-way, that would provide access to the application area, and continues west to provide traffic circulation for a proposed single-family residential development that is also part of the Fawn Grove at Sunset Lakes plat. This residential area is to be developed by the same applicant as this zoning request. The plat proposes complete access control along the first 130 feet south of the turnpike, and then access control except one opening along the remainder of the property's frontage south of Fawn Grove Street. The plat also depicts a five-foot wall easement running along the west side of the application area to provide the required screening between non-residential development and residential lots. A wall is not required along the south property line, however, fencing, landscaping or some combination is code required to provide screening for the residentially zoned property to the south. Landscape buffering will also be required. The site is currently located across the street from a church parking and a single-family home that is owned by the church. It is expected that the home will be eventually removed to allow for additional parking or other church related uses.

The "GO" district permits building heights up to 60 feet. This district also permits a 32 square-foot pole sign on a single-tenant lot or up to a 96 square-foot pole sign for multi-tenant lots with no individual sign larger than 24 square feet. Sign heights are limited to 22 feet. Building signs up to 32 square-feet in area and 30 feet high are permitted per elevation provided the building elevation has one of the following: street frontage, is adjacent to a nonresidential zoning district or has 150 feet of parking, loading or open space between the sign face and the residential zoning district.

Surrounding property to the north, east and west is zoned "SF-5" Single-family Residential. Property to the south is zoned "SF-20" Single-family Residential. Property to the north is developed with: the I-35 (KTA Turnpike), a church, residential and proposed residential. This site is part of a larger area that has been somewhat slow to develop due in part to the barrier effect the turnpike has, but is now see more development pressures.

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The Metropolitan Area Planning Commission (MAPC) reviewed this case on January 8, 2004. No one spoke regarding the case. The MAPC recommended approval, subject to platting within one year.

Motion--

Mayans moved that the zone change, subject to platting within one year be approved and that the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. (Brewer momentarily absent)

--carried

ZON 2003-0065

ZON2003-00065-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED ON THE WEST SIDE OF MAIZE ROAD APPROXIMATELY 1/3 MILE SOUTH OF CENTRAL. (DISTRICT II)

Agenda Report No. 04-0104

The applicant is requesting to rezone a 0.65-acre tract from "SF-5" Single-family Residential to "GC" General Commercial to allow intensive commercial use. The site is located on the west side of Maize Road approximately 1/3 mile south of Central.

Delano Township offices had been located on the site. This is a public entity and did not require commercial zoning.

The surrounding property is zoned "GC" General Commercial to the north and south. An animal clinic abuts the property, and an office/warehouse is located farther south. A vehicle repair business is located to the north, which a Special Use for a communication tower on the rear of this site. A daycare, zoned "NR" Neighborhood Retail, is north of the vehicle repair business. Two less intensive uses are located farther to the north. These are a medical office, zoned "GO" General Office, and a convalescent care facility, zoned "B" Multi-family Residential. Cowskin Creek borders the property to the west and a residential neighborhood is located on the west side of the creek, with this property being zoned "SF-5". Buffalo Park, also zoned "SF-5", is located to the east of Maize Road.

At the MAPC meeting held January 8, 2004, no citizens were present to speak. The applicant's agent requested to not include the condition of cross-lot easement as part of the zoning case. MAPC voted (11-0) to approve subject to platting.

Motion--

Mayans moved that the zone change, subject to platting within one year be approved and that the Planning Department be instructed to forward the ordinance establishing the zone change for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. (Brewer momentarily absent).

--carried

SUB 2003-01

SUB 2003-01-PLAT OF SPENCER'S SECOND ADDITION, LOCATED NORTH OF CENTRAL, ON THE WEST SIDE OF HOOVER. (DISTRICT VI)

Agenda Report No. 04-0105

This unplatted site, consisting of six (6) lots (1.81 acres) is located within the City. A zone change (ZON 2003-04) from "SF-5" Single-Family Residential District to "TF-3" Two-Family Residential District has been approved for the site subject to platting. Municipal water services are available.

A Petition, 100%, has been submitted for sewer improvements. The paving petition for Hoover Road is not 100%. A Certificate of Petitions has been submitted. Since, this site is within the noise impact area of Wichita Mid-Continent Airport, an Avigational Easement and Restrictive Covenant were submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petition, Avigational Easement and Restrictive Covenant will be recorded with the Register of Deeds.

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Motion--

Mayans moved that the Documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Brewer momentarily absent)

--carried

RESOLUTION NO. 04-049

Resolution of findings of advisability and Resolution authorizing construction of Lateral 271, Main 5, Sanitary Sewer #23 (west of Hoover, north of Central) 468-83767, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2003-04)

SUB 2003-27

SUB 2003-27-PLAT OF WHITE ELEMENTARY SCHOOL ADDITION, LOCATED EAST OF HYDRAULIC, NORTH OF 55TH STREET SOUTH. (DISTRICT III)

Agenda Report No. 04-0106

This unplatted site, consisting of one (1) lot (5.84 acres), is located within the City limits. The site is zoned "SF-5" Single-Family Residential District. Municipal services are available to serve the site.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

Motion--

Mayans moved that the plat be approved and the necessary signatures authorized. Motion carried 6 to 0. (Brewer momentarily absent)

--carried

SUB 2003-64

SUB 2003-64-PLAT OF BAREFOOT BAY ESTATES ADDITION, LOCATED ON THE SOUTH SIDE OF 29TH STREET NORTH, EAST OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 04-0107

This unplatted site, consisting of three (3) lots (5.53 acres), is located within the City. A zone change (ZON 2002-74) from "LI" Limited Industrial District to "SF-5" Single-Family Residential District has been approved for the site subject to platting. This site is subject to a Protective Overlay (P-O #122) established by the zoning case.

A Petition, 100%, and a Certificate of Petition have been submitted for sewer improvements. A Restrictive Covenant creating a homeowner's association to provide for the ownership and maintenance of the reserves has also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petition and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--

Mayan moved that the documents and plat be approved, the necessary signatures authorized and the Resolutions adopted. Motion carried 6 to 0. (Brewer momentarily absent)

--carried

RESOLUTION NO. 04-050

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Resolution of findings of advisability and Resolution authorizing construction of Lateral 498, Southwest Interceptor Sewer, (south of 29th Street North, east of Ridge) 468-83762, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Brewer absent)

(Agenda Item #52)
SUB 2003-105

SUB 2003-105-PLAT OF REDMOND ESTATES ADDITION, LOCATED ON THE WEST SIDE OF 119TH STREET WEST AND SOUTH OF 31ST STREET SOUTH.

Agenda Report No. 04-0108

This unplatted site, consisting of 53 lots on 78.12 acres, is located in the County within three miles of Wichita's boundary.

Petitions, 100%, have been submitted for left-turn bay and paving improvements, and future sewer and water main improvements. A Certificate of Petitions has been submitted.

The Metropolitan Area Planning Commission (MAPC) approved, at the applicant's request, the submittal of a No-Protest Agreement for future extension of water and sewer services to serve the lots. This Agreement has been provided. THE CITY WATER AND SEWER DEPARTMENT IS OBJECTING TO THE USE OF A NO-PROTEST AGREEMENT. THEY ARE REQUESTING PETITIONS FOR FUTURE EXTENSION OF SEWER AND WATER SERVICES TO SERVE THE LOTS.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and No Protest Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Gray moved that this Item be deferred to allow discussion at the February 24th workshop and returned to the March 2nd Council meeting for action. Motion carried 6 to 0. (Brewer momentarily absent).

SUB 2003-133

SUB 2003-133-PLAT OF ASHLEY PARK TOWNE CENTRE ADDITION, LOCATED ON THE SOUTH SIDE OF MAPLE, WEST OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 04-0117

This site, consisting of four (4) lots (19.3 Acres), is a replat of Ridge Plaza Fifth Addition, in addition to unplatted property. A zone change from "SF-5" Single-Family Residential District, "B" Multi-Family and "GO" General Office District to "LC" Limited Commercial has been approved for the site subject to platting. The Ashley Park Towne Centre Community Unit Plan (CUP 2003-56, DP-270) was also approved for this site and a CUP Certificate has been submitted.

Petitions, 100%, have been submitted for paving, sewer, traffic signal and water improvements and a Certificate of Petitions has been submitted. In accordance with the CUP, a Cross-lot Circulation Agreement was submitted to assure internal vehicular movement between the lots. The applicant has submitted an Avigational Easement covering all of the subject plat and a Restrictive Covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property. At the request of the utility company, a Utility Easement has been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds

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As requested, the CUP Certificate, Certificate of Petitions, Cross-lot Circulation Agreement, Avigational Easement, Restrictive Covenant and Utility Easement will be recorded with the Register of Deeds by the applicant.

Motion--

-- carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the ZON2003-55 Ordinance be placed on first reading with publication being withheld until the Plat is recorded with the Register of Deeds. Motion carried 6 to 0. (Brewer momentarily absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON2003-55)

DED 2003-29 & 30

DED 2003-29 AND 30-DEDICATION OF UTILITY EASEMENTS FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF NINTH STREET AND SHERIDAN. (DISTRICT VI)

Agenda Report No. 04-0109

As a requirement of a lot split (Case No. SUB 2003-143), these Dedications are being submitted for construction and maintenance of public utilities.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0. (Brewer momentarily absent)

DED 2003-31

DED 2003-31-DEDICATION OF A UTILITY EASEMENT FOR PROPERTY LOCATED NORTH OF CENTRAL, WEST OF HOOVER ROAD. (DISTRICT V)

Agenda Report No. 04-0110

As a requirement of a lot split (Case No. SUB 2003-138), this Dedication is being submitted for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 6 to 0. (Brewer momentarily absent)

VAC 2003-59

VAC 2003-59-REQUEST TO VACATE UTILITY EASEMENT, GENERALLY LOCATED EAST OF TYLER AND NORTH OF MEADOW PARK STREET. (DISTRICT V)

Agenda Report No. 04-0111

The applicant is requesting consideration for the vacation of a platted 10-foot utility easement, which runs parallel to the property line between Lots 4 & 5, Block C, Fossil Rim Estates Addition. Half of the platted 10-foot easement is on Lot 4 and the other half is on Lot 5. There are no sewer or water lines in the platted easement. The Fossil Rim Estates Addition was recorded with the Register of Deeds May 31, 2002.

Half of the platted 10-foot easement is on Lot 4 and the other half is on Lot 5. There are no sewer or water lines in the platted easement. There are no sewer, water or other utilities in the platted easement.

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There are no plans for water, sewer or utility equipment in the easement in the future. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0. (Brewer momentarily absent)

VAC 2003-60

VAC2003-60-REQUEST TO VACATE UTILITY EASEMENT, GENERALLY LOCATED SOUTHEAST OF 29TH STREET NORTH AND TYLER; EAST AND WEST OF PEPPER RIDGE STREET. (DISTRICT V)

Agenda Report No. 04-0112

The applicant is requesting consideration for the vacation of a platted 20-foot utility easement, which runs parallel to the south property line of Lot 24, Block A, Fossil Rim Estates Addition. The Fossil Rim Estates Addition was recorded with the Register of Deeds May 31, 2002.

All of the platted 20-foot easement is on Lot 24. There are no sewer, water or other utilities in the platted easement. There are no plans for water, sewer or utility equipment in the easement in the future. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0. (Brewer momentarily absent)

(Agenda Item #57)
A04-04

A04-04-REQUEST BY MRS. MONIQUE HAYNES-ROBERTSON TO ANNEX LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF GILBERT STREET AND CLEAR CREEK STREET. (DISTRICT II)

John Schlegel

Director of Planning, requested that this Item be pulled from the Agenda as Mrs. Monique Haynes Robertson withdrew her application for the annexation.

A04-05

A04-05-REQUEST BY UNITED GOLF OF WICHITA TO ANNEX LAND GENERALLY LOCATED NORTH OF PAWNEE BETWEEN 127TH AND 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 04-0114

The City has received a request to annex 65.57 acres of land generally located north of Pawnee between 127th and 143rd Street East. The annexation area abuts the City of Wichita to the north of the property. The proposed annexation is currently developed as a golf course and zoned "SF-20" Single Family Residential and "NR" Neighborhood Retail. The applicant plans to develop a golf course clubhouse on 5.5 acres in southeast corner of the proposed annexation property. It is anticipated that the annexation area will be fully developed in one (1) year.

Land Use and Zoning: The proposed annexation consists of 60 acres of land in use as the Sierra Hills Golf Course and zoned "SF-20" Single Family Residential, and 5.5 acres of land currently vacant and zoned Neighborhood Retail "NR." Single-family residential lots, zoned "SF-5" Single Family Residential, are located directly north of the proposed annexation. Properties adjacent to the proposed annexation to the east, south, and west are zoned "SF-20" Single Family Residential and in agricultural use.

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Public Services:

This golf course is receiving domestic water service from the water distribution system installed in the adjacent subdivision. The property owners of the proposed annexation area have petitions on file to participate in the water supply line that will be extended through Pawnee. Sewer services are currently being provided by the collection system installed for the adjacent subdivision. The proposed annexation property owners also have petitions on file to participate in a main benefit district plan, which will allow them to eliminate their sewer pump in the future.

Street System: The subject property fronts on to Pawnee Road, a two lane paved arterial county road. There are no plans for improvements to Pawnee Road, east of Greenwich Road, identified in either the 2004-2013 City of Wichita Capital Improvement Program or the Sedgwick County Transportation Improvement Program.

Public Safety: Fire services to this site can be provided by the City of Wichita within a eleven (11) to twelve (12) minute approximate response time from City Station No. 15 located at Rock Road and Lincoln or from the County Station #38 located at 1010 N. 143rd Street East. However, a new Fire Station is planned near 127th Street East and Kellogg, which will notably reduce response times to the proposed annexation site. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 South Edgemoor.

Parks: W.B. Harrison Park, a 40 acre park, is located approximately 2 miles west of the proposed annexation site. Bike pathways are proposed along Harry Road and south of Pawnee Road in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 259 (Wichita School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$65,360, with a total assessed value of \$16,340. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$513 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$401,360 when development is completed, resulting in an assessed value of \$100,340. Assuming the current City levy remains about the same, this would roughly yield \$3,151 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Brewer momentarily absent)

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-05

A04-06

A04-06-REQUEST BY LARIAT CONSTRUCTION CO. L.P. TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF MERIDIAN AND 61ST STREET NORTH. (DISTRICT VI)

Agenda Report No. 04-0115

The City has received a request to annex 33.65 acres of land generally located northwest of the intersection of Meridian and 61st Street North. The annexation area abuts the City of Wichita to the south and east of the property. The Little Arkansas River abuts the proposed annexation property to the

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northeast. The proposed annexation area is currently in agricultural use with a portion serving as a rural residence. The property is currently zoned "SF-20" Single Family Residential. The applicant intends to rezone the property "SF-5" Single Family Residential and develop the area as 64 single family residences. The applicant anticipates that the annexation area will be fully developed in four (4) years

Land Use and Zoning: The proposed annexation consists of 33.65 acres of land currently zoned "SF-20" Single Family Residential. The proposed annexation area is currently in use as agricultural, with a small portion serving as rural residential. Single-family residential lots, zoned "SF-5" Single Family Residential, are located directly east and south of the proposed annexation. Properties adjacent to the proposed annexation to the west and north are zoned "SF-20" Single Family Residential and in agricultural use. Properties northeast and across Meridian of the proposed annexation are currently zoned "LI" Limited Industrial and are in use as gas and petroleum storage/refinery.

Public Services:

There is an existing water supply main in Meridian. The development will be required to extend the waterline in 61st Street North into their site. The Water & Sewer Dept is currently working on a plan to serve this area and a large surrounding area with sewer. Several options are currently being reviewed. The property owner(s) will be assessed for their portion of the improvements.

Street System: The subject property fronts on both 61st Street North and Meridian Road. Meridian Road is currently a two lane paved arterial county road, and 61st consists of a two lane dirt county road. There are currently no plans for improvements to Meridian or 61st Street within a two-mile radius of the proposed annexation property identified in either the 2004-2013 City of Wichita Capital Improvement Program or the Sedgwick County Transportation Improvement Program.

Public Safety: Fire services to this site can be provided by the City of Wichita within a three (3) to four (4) minute approximate response time from City Station No. 13 located at 42nd Street North and Meridian. Upon annexation, police protection will be provided to the area by the Patrol North Bureau of the Wichita Police Department, headquartered at 3015 E. 21st. St. North.

Parks: Brook Tract Park, a 272.10 acre park currently under development, is located approximately 2 miles south of the proposed annexation site. A pathway is proposed along both the Arkansas River, immediately adjacent to the proposed annexation property in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 262 (Valley Center School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$88,140, with a total assessed value of \$10,576. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$318 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of development and the current mill levy. However, the property owner projects an overall appraised value of \$5,632,000 when development is completed, resulting in an assessed value of \$647,680. Assuming the current City levy remains about the same, this would roughly yield \$20,341 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 6 to 0. (Brewer momentarily absent)

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ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-06

AIRPORT AGENDA

AIR SERVICE

AIR SERVICE CONSULTING SERVICES-THE BOYD GROUP/ASRC, INC.

Agenda Report No. 04-0116

On October 21, 2003, the City Council authorized \$100,000 over a three-year period to advertise, select and enter into contract negotiations with various air service consultants to provide air service strategies and consulting services. On January 6, 2004, a selection committee reviewed proposals and conducted interviews to solicit firms to provide air service support functions at Mid-Continent Airport. The Boyd Group was one of the firms selected to develop a "Blueprint" for identifying current air service levels at Mid-Continent Airport, existing service shortfalls, and attainable markets where additional service/capacity can be supported.

Sustaining and expanding low-cost advantage at Mid-Continent Airport requires airline development strategies (low-cost carrier, incumbent carrier) and market development strategies (metro catchment, peripheral catchment, in-bound). Many of these processes are highly specialized, require access to proprietary data sources and modeling programs, and demand continuity to be of value. It is the consensus of the selection committee that this work can best be provided by using the expertise of multiple firms. Five firms have been recommended. As the project moves forward, contracts with each of these entities will be brought back to the Council for review, approval, and budget adjustments, as required.

Professional services provided for the "Blueprint" by the Boyd Group are \$34,225. Project expenses will result in a cost not to exceed 10% of the cost of professional services.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

RECESS

Motion--

--carried

Mayans moved that the City Council recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to Legal advice and Contract negotiations and that the Council return from Executive Session no earlier than 1:45 p.m. and reconvene in the City Council Chambers. Motion carried 7 to 0.

RECONVENE

The Council reconvened in the City Council Chambers at 1:45 p.m. and Mayor Mayans announced that no action was taken during the Executive Session.

Motion--
--carried

Mayans moved at 1:47 p.m. to adjourn from Executive Session and the Regular Meeting. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 1:47 p.m.

Karen Schofield
City Clerk